

Chapter 2

Sewer Utility Regulations and Rates

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Sec. 9-2-1 General Provisions.

- (a) **Authority.** This Chapter is adopted under the authority granted by Sec. 61.39, Wis. Stats.
- (b) **Chapter.** This Chapter shall be known, referred to and cited as the "Sewer User Charge and Sewer Use Ordinance" for the Village of Muscoda, Wisconsin and hereinafter referred to as "this Chapter."
- (c) **Findings and Declarations of Policy.** The Village of Muscoda hereby finds that the requirements for the issuance of state grants and the acceptance of such grants by the Village of Muscoda for the construction of wastewater treatment works to improve the quality of effluent discharges from the Village of Muscoda establish:
 - (1) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
 - (2) The necessity of enacting regulations that control the use and inflow into wastewater treatment works.
- (d) **Purpose and Intent.** The purpose of this Chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Muscoda, Grant and Iowa Counties, Wisconsin. It is further intended to provide for administration and enforcement of this Chapter and to provide penalties for its violations.
- (e) **Abrogation and Greater Restrictions.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (f) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.
- (g) **Severability of Ordinance Provisions.** If any section, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (h) **Repeal.** All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 9-2-2 Definitions.

- (a) The following definitions shall be applicable in this Chapter:
- (1) **Approving Authority.** The Village Board of the Village of Muscoda.
 - (2) **BOD.** The quantitative determination of five (5) day BOD made in accordance with the latest edition of Standard Methods.
 - (3) **Billable BOD.** A user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Village Board. Minimum waste strength of BOD shall be the domestic waste concentration of two hundred (200) milligrams per liter for the purpose of billing for user charges.
 - (4) **Billable Flow.** A monitored sewage flow or a user's recorded monthly water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
 - (5) **Billable Suspended Solids.** A user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Village Board. Minimum waste strength of SS shall be the domestic waste concentration of two hundred fifty (250) milligrams per liter for the purpose of billing for user charges.
 - (6) **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection or lateral.
 - (7) **Class of Users.** The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.
 - (8) **Collection Sewers.** The sanitary sewer and manholes maintained by the Village of Muscoda.
 - (9) **Depreciation.** The annual operating cost reflecting capital consumption.
 - (10) **Easement.** An acquired legal right to install and maintain a portion of the sewer system.

- (11) **Floatable OIL.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Village.
- (12) **Forcemain.** The discharge line from any lift station maintained by the Village of Muscoda.
- (13) **Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage and sale of produce.
- (14) **Ground Garbage.** 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.
- (15) **Infiltration.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.
- (16) **Inflow.** The water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains and springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.
- (17) **Operation and Maintenance Costs.** All costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.
- (18) **pH.** The term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

- (19) **Pretreatment.** The treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works.
- (20) **Replacement Costs.** The expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (21) **Sewage.** The combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow:
- a. Sanitary sewage shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.
 - b. Industrial sewage shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
 - c. Combined sewage shall mean wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.
- (22) **Shall** "Shall" is mandatory; "May" is permissible.
- (23) **Slug.** Any discharge of water, sewage, or industrial waste in connection of any given constituent or in quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- (24) **Stand-By.** Any lot with a sewer lateral. This shall include unoccupied houses, businesses or vacant lots.
- (25) **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 Federation of Sewage and Industrial Wastes Association.
- (26) **Storm Sewer.** A sewer that carries storm, surface and ground water drainage but excludes sewage and industrial wastes.

- (27) **Suspended Solids.** Solids that either float to the surface of, or are in suspension in, water, sewer, or industrial waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
- (28) **Toxic Amount.** Concentration of any pollutant or combination of pollutants which upon exposure to, or assimilation into, any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 307(a) of Public Law 92-500 as amended.
- (29) **User Charge System.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.
- (30) **Wastewater.** Synonymous with sewage and shall mean the water that carries human, animal, and household wastes in a public or private drain, and may include ground water infiltration, surface drainage and industrial wastes.
- (31) **Wastewater Treatment Plant.** The structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

Sec. 9-2-3 Use of Public Sewers.

- (a) **Sanitary Sewers.** No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water, or unpolluted water into any sanitary sewer.
- (b) **Storm Sewers.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Board and Wisconsin Department of Natural Resources. Industrial cooling water or unpolluted processed waters may be discharged, on approval of the Village Board and Wisconsin Department of Natural Resources, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources of the State of Wisconsin.
- (c) **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:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- (2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) Any waters or wastes having a pH lower than six (6.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.
- (4) Any waters or wastes having a pH in excess of nine (9.0).
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works 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 fleshings, entrails, and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- (6) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village Board that such wastes can harm either the sewers, sewage treatment plant, or equipment, have an adverse effect on the receiving stream, otherwise endanger life, limb, property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Village Board will give consideration to such factors as the quantities or subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, and other pertinent factors. The substances prohibited are:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150F).
 - b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees.
 - c. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one (1) horsepower or greater shall be subject to the review and approval of the Village Board.

- d. Any waters or wastes containing iron, copper, zinc, and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material discharge in the composite sewage to the sewer exceeds limits established by the Village Board for such materials.
- e. Any waters or wastes discharged to the sewer containing over 0.1 mg/l hexavalent chromium per twenty-four (24) hour composite.
- f. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Village Board as necessary after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Board in compliance with state and federal regulations.
- h. Materials which exert or cause:
 - 1. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant. Materials such as milk, whey, blood, molasses, sugar, and milk products;
 - 2. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
 - 3. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
- i. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- j. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment plant effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
- k. Any amount of the following constituents exceeding that listed below, or in NR 140.10, Wis. Adm. Code, as prescribed by the Village.

	mg/l		mg/l
Aluminum	800.0	Cyanide	1.2
Arsenic	0.25	Fluorides	2.5
Barium	2.0	Iron, total	56.0
Boron	1.0	Lead	1.5
Cadmium	2.0	Manganese	1.0
Chlorides	700.0	Mercury	0.0005
Chromium total	21.8	Nickel	6.7
Chromium (Hexavalent)	3.6	Phenols	0.3
Copper	17.1	Selenium	1.0
		Silver	0.1
		Total Solids	1500.0
		Zinc	16.5

1. Ammonia nitrogen in such an amount as would cause the plant to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.

Sec. 9-2-4 Pretreatment

- (a) The Village Board may require a user to eliminate his waste discharge or pretreat to a level acceptable to the authority. Pretreatment may involve the following:
 - (1) Grease, oil and sand retainers.
 - (2) Rate of discharge control.
 - (3) Equalization or neutralization.
 - (4) Flow measurement.
 - (5) Sampling equipment and manholes.
 - (6) Manhole connection to sewer main.
 - (7) Mechanical pretreatment units for removal of BOD, SS, oil, grease, solids, etc.

- (b) All costs for pretreatment including installation, operation, and maintenance shall be the responsibility of the user.
- (c) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Village, State of Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, technical operating data, and sludge disposal has been obtained from State of Wisconsin Department of Natural Resources and any other local, state, or federal agency having regulatory authority with respect thereto.
- (d) All such preliminary treatment facilities, as required by this Chapter, shall be maintained continuously in satisfactory and effective operating condition by the user or persons operating and maintaining the facility served thereby and at the user's expense.
- (e) No provisions contained in this Chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the Village and industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Village for treatment, subject to additional payment therefore by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village and also provided user charges are proportional to cost of providing the service.
- (f) 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.

Sec. 9-2-5 Private Sewage Treatment

- (a) When a public sewer is provided within one hundred (100) feet of the nearest property line of any property served by a private sewage disposal system, the user shall connect to the public sewer within thirty (30) days of notification by the authority and no later than one (1) year after sewer becoming available.
- (b) The private system, including septic tanks, drainfields, cesspools, etc. shall be abandoned and any underground containers shall be permanently filled with granular material in accordance with DILHR regulations.
- (c) Where a public sewer is not readily available, the Village Board may allow a private disposal system.
- (d) The Village shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

- (e) No provisions of this Chapter shall be construed to provide lesser requirements for private sewers and disposal systems than are presently, or may hereafter be, imposed and required by any other local governmental body or the state or federal government.

Sec. 9-2-6 Service of Outlying Territory.

The Village Board may allow service of sanitary sewer to areas outside the corporate limits upon resolution from the Board. Users outside of the limits shall comply with all segments of this Chapter. All costs for extension shall be borne by the user.

Sec. 9-2-7 Construction of Sewers.

- (a) **Authorized Connection.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village Board.
- (b) **Inspection Notification.** The applicant for the building sewer permit shall notify the Village Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Board or its designee.
- (c) **Backflow Preventers; Code Compliance.**
 - (1) Backflow Preventer.
 - a. All new buildings within the Village of Muscoda shall be required to have installed in any basement of said building, if said building has a basement drain into the sanitary sewer system, a backflow preventer. Said backflow preventer shall be properly installed at the time of construction of said building so as to prevent a backflow from the sewer system into the basement of the premises. All building permits for new construction shall include a notification of the requirements of this Subsection.
 - b. In addition, for an existing building within the Village of Muscoda, upon the application for a building permit for the remodeling in any basement which has a drain connected to the sanitary sewer system, no building permit for said remodeling shall be issued by the Director of Public Works unless, as part of the plan for the remodeling, a backflow preventer is to be installed as part of the remodeling project.
 - c. Upon the completion of the building or remodeling project, the Director of Public Works or his/her agent shall have the authority to inspect said premises for the purpose of determining if said backflow preventer has been installed and if the installation thereof is proper.

- d. The property owner shall have the responsibility for the proper installation and maintenance of said backflow preventer and failure to properly install and maintain said backflow preventer shall result in a violation of the general penalty section of the Village of Muscoda Code of Ordinances.
 - e. The Village of Muscoda shall not be responsible for any damages or injuries to the property owners, their property or the property of tenants, agents or employees which may be sustained by not installing or maintaining backflow preventers.
- (2) **Code Compliance.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 and COMM Ch. 83., Wis. Adm. Code. All such connections shall be made gas-tight and water-tight. Any deviation from the prescribed procedures and materials must be approved by the Village Board or its designee before installation.
- (d) **Costs.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
 - (e) **Construction Standards.** The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. 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 and COMM Ch. 83, Wis. Adm. code, shall apply.
 - (f) **Excavations.** 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 Village.
 - (g) **Maintenance Costs.** The cost for installation, maintenance, and cleaning of the building sewer to the property line shall be the responsibility of the property owner and shall utilize commercial vendors.

- (h) **Lateral Costs.** The Village will pay for the installation and maintenance of the sewer lateral from the sewer main to the property line upon recommendation of the Village Board.
- (i) **Use of Old Sewers.** Old building sewers may not be used in connection with new buildings unless they are found, on examination and test by the Village Board, to meet all requirements for this Chapter.
- (j) **Prohibited Connections.** No person 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 public sanitary sewer.
- (k) **Conformance with Village Specifications.** A public sewer construction by a property owner or developer shall conform to Village specifications on file.
- (l) **Sewer Extension Costs.** All costs for sewer extensions shall be the responsibility of the owner or developer. The contractors shall have performance and payment bonds in the amount of one hundred percent (100%) of the contract payable to the Village prior to starting construction. The Village will assume responsibility following written acceptance of the public sewer.
- (m) **Capacity Determination.** Construction permits shall not be issued unless it has been determined by the Village Board that there is capacity available in all downstream sewage facilities.
- (n) **Connection Fee.** All costs for the sewer lateral installation from the main to the building shall be the responsibility of the owner. The connection fee of Three Hundred Dollars (\$300.00) must be paid to the Village prior to installation.
- (o) **Lift Stations.** The Village Board may elect to pay for a portion of a lift station if it will be beneficial to the Village. If the sewer extension will benefit more than one (1) owner, then special assessments shall be levied against each parcel or lot. The assessments shall be made in accordance with Sections 66.60 or 66.62, Wis. Stats. , or as otherwise allowed in this Chapter. Deferred assessments for a period not to exceed ten (10) years may be allowed.

Sec. 9-2-8 Septic Tank Haulers.

Septic tank wastes hauled to the treatment plant may be accepted from time to time pursuant to the Village's fee schedule. Holding tank wastewater will be accepted if metered in at a rate not exceeding fifty (50) gpm and shall be billed at the prescribed rate.

Sec. 9-2-9 Sewer Use Classification.

- (a) **Typical Users.** Typical users are the single family residence, duplex and multi-family housing without central cooking. Pollutant concentrations are BOD - two hundred (200) mg/l and S.S. - two hundred fifty (250) mg/l.
- (b) **Commercial.**
 - (1) Commercial users shall mean, for the purpose of the user charge system, a user engaged in the purchase or sale of goods, services, or any business transactions whose wastewaters generated are more than typical domestic sewage.
 - (2) Typical commercial users are service stations, laundry, car wash, butcher shop, restaurant, motel, hotel, grocery store and feed mills. Pollutant concentrations are BOD - two hundred (200) mg/l and S.S. - two hundred fifty (250) mg/l.
- (c) **Institutional.**
 - (1) Institutional users shall mean for the purpose of the user charge system, a user whose wastewaters are generated from institutional activities.
 - (2) Typical institutional users are hospital, nursing homes and schools. Pollutant concentrations are BOD - two hundred (200) mg/l and S.S. -two hundred fifty (250) mg/l.
- (d) **Industrial.**
 - (1) Industrial user shall mean for the purpose of the user charge system, any user whose wastewaters are generated from the production of products from materials or material handling.
 - (2) A typical industrial user is a factory, slaughter house, milk transfer, or cheese factory. Pollutant concentrations are to be established by the Village Board.
- (e) **Significant Industrial Users.**
 - (1) Significant industrial users are those users whose wastewater generations exceed ten percent (10%) of the design flow, design BOD, or design suspended solids loading for the plant more than ten (10) times per year, or have a wastewater that has a detrimental effect on the plant operation and performance. The significant industrial user will be required to acquire a discharge permit, monitory their discharges for flow, BOD, SS and any other parameter established by the Approving Authority.

- (2) Each user is listed below along with wastewater treatment allotments. If a significant industrial user exceeds the allocation allotment, he shall be charged as detailed in this Chapter.

- Discharge Allotment

Name	Address	Flow	BOD	SS
		gpd	#/d	#/d

None

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

Sec. 9-2-10 Conditions for Discharge.

- (a) Review and acceptance of the Village Board shall be obtained prior to the discharge into the public sewers of any waters or wastes having:
 - (1) A BOD greater than two hundred fifty (250) mg/l,
 - (2) A suspended solids concentration greater than two hundred fifty (250) mg/l, or
 - (3) A chlorine requirement greater than twenty-five (25) mg/l.
- (b) Within three (3) months after passage of this Chapter, significant industrial users who discharged industrial wastes to a public sewer shall prepare and file with the Village Board a report that shall include pertinent data relating to the quality and characteristics of the wastes discharged to the wastewater treatment plant.
- (c) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Village Board a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

- (d) When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed, a request for extension of time may be presented for consideration of the Village Board.
- (e) Each person discharging industrial wastes into a public sewer shall construct and maintain on one (1) or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
- (f) In new areas, control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board.
- (g) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Village Board prior to the beginning of construction.
- (h) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown by the Water Department or flow recording data. Devices for measuring the volume of waste discharged may be required by the Village Board if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person discharging the waste. Following approval and installation, such meters may not be removed without the consent of the Village Board.
- (i) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made as often as may be deemed necessary by the Village Board. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Village Board.
- (j) 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 Village Board. Access to sampling locations shall be granted to the Village Board or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample was taken.
- (k) Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analysis of

industrial wastes may be used subject to mutual agreement between the Village Board and the person discharging wastes.

- (1) Determination of the character and concentrations of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the Village Board. The Village may also make its own analysis on the wastes and these determinations shall be binding as a basis for charges.
- (m) If any waters or wastes are discharged or proposed to be discharged to the public sewers, or contain substances or possess the characteristics which in the judgment of the Village Board may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or health, or constitute a public nuisance the Village Board may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.

Sec. 9-2-11 Damage or Tampering with Sewage Works.

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 sewage works. Any person(s) violating this provision may be subject to immediate arrest.

Sec. 9-2-12 Violations and Penalties.

- (a) **Written Notice of Violations.** Any person found to be violating any provision of this Chapter shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and make satisfactory correction of such violations.
- (b) **Continued Violations.** Any person, partnership, or corporation or any officer, agent, or employee thereof who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00) together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the county jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (c) **Liability to the Village for Losses.** Any person violating any provision of this Chapter shall be liable to the Village for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

- (d) **Differences of Opinion.** The Village Board shall arbitrate differences between the Village Board and sewer users on matters concerning interpretation and execution of the provisions of this Chapter by the Village Board.

Sec. 9-2-13 Discharge Permits.

- (a) The Village reserves the right to require a discharge permit from commercial or industrial users of the sewer, and if the Village does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the Village. Each new commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.
- (b) The application for a discharge permit shall be made on a form provided for the purpose by the Village and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof and acknowledged. If requested, the person making application shall also submit such scientific or testing data or other information as may be required by the engineer of the Village. The Village Board shall also have, at its discretion, the right to personally inspect the premises, equipment, materials and laboratory testing facilities of the applicant. No fee shall be charged for a discharge application permit.
- (c) No discharge permit shall be issued by the Village to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Village Board, is not in conformance with federal, state or village statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the Village of Muscoda in the manner hereinafter set forth. The Village of Muscoda shall state in writing the reason or reasons for denial or requirement for waiver variance and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.
- (d) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Village in the same manner and form as originally made.
- (e) If the application for a new permit or for one because of change in the type or volume of material discharged is denied by the Village of Muscoda, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Chapter and a waiver or variance is required, the user may have the Village Board review the denial or may request waiver or variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The Village Board shall review the permit application, the written denial, and such other evidence and

matters as the applicant and any other interested person shall present at its next regular meeting following receipt of request for its review and the decision of the Village Board rendered publicly at said meeting shall be final.

- (f) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Village Board, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this Chapter.
- (g) A grant or waiver or variance by the Village may set forth such conditions, exceptions, time limitations, durations, and expirations as the Village deems necessary and proper.

Sec. 9-2-14 Wastewater Treatment Charges.

(a) All Users.

- (1) The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement using the unit charges from this Chapter and user charges for billing and collection. The unit charges shall be applied to user's billable flow, BOD, and S.S., respectively.
- (2) The municipality will maintain the proportionate distribution of operation, maintenance and replacement cost amongst user classes.
- (3) The Village will generate sufficient revenues to pay the operation, maintenance and replacement cost. The Village will apply excess revenue collected from a user class to operation, maintenance and replacement cost attributable to that class for the next year.
- (4) Users discharging toxic pollutants shall pay for any increased operation, maintenance and replacement cost caused by the toxic pollutant. Users will be notified annually of proportion of user charges attributable to the wastewater treatment services.
- (5) The user charge system shall take precedence over pre-existing agreements inconsistent with the governing regulations of this program.

(b) Industrial Users.

- (1) In addition to the basic wastewater treatment bill described in this Chapter for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in this Chapter.

- (2) The Village shall periodically sample and analyze wastes from significant users in each industrial and commercial user classification to determine the BOD and S.S. strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Village Board as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification and that analysis shall be used as typical of the particular user's waste for billing purposes. Significant industries with wastes classified by the Village Board as having special problems shall install, at the industry's own cost, a structure located on the building service line with flow measurement and sampling devices as required by the Approving Authority to obtain exact information about the waste.

Sec. 9-2-15 Wastewater Treatment Plant Bill

- (a) **Billing Period.** The billing period shall be monthly.
- (b) **Payment of Bill.** Sewer bills shall be paid within twenty (20) days from the date of billing.
- (c) **Delinquent Bills.** Delinquent bills will be charged one and one-half percent (1.5%) interest per month after the due date. An additional ten percent (10%) interest will be charged on the total bill on the fifteenth (15th) of October following the bill and will be placed on the tax roll if not paid by November 1st. Disconnection of service will follow the same procedure as the water disconnection.
- (d) **Establishment of a User Charge System.** A user charge shall be charged to all users of the sewage system and shall be proportional to usage of various items. Said charges may be amended from time to time by ordinance of the Village Board.
- (e) **Budget.** The Village Board shall establish a budget each year prior to the first quarter period of the following year. The budget shall include the following items:
 - (1) Current budget, including cost overruns and surplus.
 - (2) Operation and maintenance costs.
 - (3) Replacement fund.
 - (4) Administrative costs and billing costs.
 - (5) Sampling cost.
 - (6) Miscellaneous costs.

- (7) Miscellaneous charges.

Sec. 9-2-16 Debt Service.

Sewer user charges are to be collected for debt service, for public benefit funds, and for any other purpose provided by law related to the operation, maintenance and replacement of the waste treatment works.

Sec. 9-2-17 Accounting

- (a) **Money.** All user charge payments shall be placed in the sewer account. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxins, handling, sampling and other costs as outlined in this Chapter.
- (b) **Expenditures.** Expenditures shall be made from the user charge monies by the Village in accordance with the detailed annual budget and ordinances authorized by the Village.
- (c) **Replacement Reserve Expenditures.** Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.
- (d) **Renewals.** Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the elements of the facility and charged to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.
- (e) **Audit.** An audit shall be performed annually at the same time and in the same manner that the other books of accounts of the Village are audited.

Sec. 9-2-18 Sewer Rates.

Monthly sewerage service charges, based on the amount of water used each month, are as follows:

(a) Use Charges—All Users.

Volume Charge (applies to all gallons)	\$3.20 per 1,000 gallons
Meter Charges: (flat monthly rate)	
5/8"	10.75
1"	17.00
1-1/4"	23.20
1-1/2"	29.25
2"	43.75
3"	78.00
4"	129.60
6"	248.55

In addition to the above charges, residences in multifamily dwellings [two (2) or more dwelling units] or apartments located in the Village shall be charged the flat rate of Ten Dollars (\$10.00) per month per unit regardless of occupancy of unit. Where dwelling units are not separately metered, volume charges shall be the responsibility of the property owner. The flat rate shall be charged to occupants when units are occupied and to the property owner either: (1) if a dwelling unit is unoccupied; or (2) if the property owner requests that the charges be billed directly to the property owner. Nothing in this Section shall prohibit the Village from placing delinquent, unpaid charges, whether for flat rate or volume charges, on the tax roll as an assessment against the property served.

These rates do not apply to Meister Cheese and Muscoda Protein Products, which shall be billed at their current rates.

(b) Residential.

Standby charge, per month \$5.50

(c) Penalty. There is a one and one-half percent (1.5%) penalty if bills are not paid by the thirtieth (30th) of the month.

- (d) **Sewerage Service Charge Election.** Residential users may elect to have their sewerage volume service charges for the months of June, July and August based upon an estimated amount of water usage. This estimated amount of water usage will be calculated by averaging three months of usage when the residence is occupied. Written election must be made prior to May 30th to be eligible for the current year. Once written election has been made, the five dollar (\$5.00) yearly processing fee will automatically be included each year on the June utility bill in the form of a miscellaneous charge until written notice to revoke by the user is submitted. Once the user elects this program, the estimated usage shall be in effect for the usage months of June, July, and August. If a residential home is not occupied for six (6) months, a minimum sewerage charge of 1,000 gallons will be charged for June, July, and August.

Sec. 9-2-19 Delinquent Sewer Bills; Collection of Charges.

- (a) **Authority.** This ordinance is enacted pursuant to Secs. 62.11(5) and 66.0627, Wis. Stats.
- (b) **Purpose.** The Board finds that charges for use of sewer supplied by the municipal sewer utility, including services provided to customers located outside the corporate limits of the Village, are charges for current services rendered within the meaning of Sec. 66.0627, Wis. Stats. Pursuant to that statute, the charges for such services are to be imposed upon the property served. The regulations and rates governing the Muscoda Utilities promulgated by the Wisconsin Public Service Commission are adopted and incorporated herein by reference.
- (c) **Lien for Delinquent Charges.** Any delinquency in the payment of charges for sewer service shall be a lien upon the property served, after notice to the owner and occupant for such delinquency, as set forth herein.
- (d) **Procedure.**
- (1) The Utility Committee shall inform the Village or appropriate Township Treasurer before October 10th of each year of all lots or parcels for which sewer service was supplied in the year preceding October 1st, and for which amounts of sewer charges are still owed.
 - (2) On October 10th, the Treasurer shall give written notice to the owner and occupant of each parcel stating that an amount is owed for sewer service; stating the amount still owed, including any penalty assessed pursuant to the Committee's rules; stating that unless that amount is paid by November 1st, an additional penalty of ten percent (10%) of the amount in arrears will be added thereto; and stating that unless the amount in arrears plus penalty are paid by November 10th, the amount will be levied as a tax on the lot address and for which payment is delinquent. Notice mailed to the lot address shall be notice to the occupant. Notice

mailed to the last known address of the lot owner shall be notice to the owner. It shall be the owner's duty to notify the Treasurer of any change in address.

- (3) After November 11th, the Treasurer shall certify to the Village or appropriate Township Clerk a list of all parcels or lots for which payments are in arrears and for which notice has been given, including the amount of arrears with any penalty added thereto. Such delinquent amounts including any penalty shall thereupon become a lien upon the property and shall be collected as provided in Sec. 66.0627, Wis. Stats.
- (e) **Hearing.** If any owner or occupant shall dispute the delinquency in writing to the Village Clerk before November 15th, a hearing on the dispute shall be held before the Utility Committee within sixty (60) days, unless the time for hearing is extended by the Committee. The delinquency shall not become a lien during the pendency of the dispute. Unless modified by the Committee after hearing, the delinquency shall become a lien upon the real estate as set forth herein as of the date of the delinquency.

State Law Reference: Secs. 62.11(5) and 66.0627, Wis. Stats.