

**FOX LAKE INLAND LAKE PROTECTION AND REHABILITATION
DISTRICT DODGE COUNTY, WISCONSIN**

ORDINANCE NO. 99-01

**REPEALING THE USER CHARGE AND SEWER USE ORDINANCE AND
CREATING THE WASTEWATER MANAGEMENT AND SERVICE CHARGE
ORDINANCE**

The Board of Commissioners of the Fox Lake Inland Lake Protection and Rehabilitation District, pursuant to the authority granted under Sections 33.22 (3) , 60.77 (4) , 60.77 (5) (e) , 60. 77 (s) (g) and 60.77(5m) of the Wisconsin Statutes, DO ORDAIN as follows:

SECTION 1 The USER CHARGE AND SEWER USE ORDINANCE adopted August 4, 1984, as amended, is hereby repealed in its entirety.

SECTION 2. The DISTRICT'S WASTEWATER MANAGEMENT AND SERVICE CHARGE ORDINANCE is hereby created to read as follows:

WASTEWATER MANAGEMENT AND SERVICE CHARGE ORDINANCE

LAKE INLAND LAKE PROTECTION AND REHABILITATION DISTRICT DODGE
COUNTY, WISCONSIN

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS, THE
INSTALLATION AND CONNECTION
OF BUILDING SEWERS, THE DISCHARGE OF
WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM,
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE
LAKE INLAND LAKE PROTECTION AND REHABILITATION DISTRICT

ARTICLE I GENERAL

The Fox Lake Inland Lake Protection and Rehabilitation District operates a sanitary sewer collection system and, through the Fox Lake Wastewater Control Commission, provides wastewater treatment facilities for the protection of the health, safety and welfare of the public. This Ordinance is enacted pursuant to the authority granted under Sections 33.22(3), 60.77(4), 60.77(5)(e), 60.77(5) (g) and 60.77(5m) of the Wisconsin Statutes to regulate the use of the District's sewer collection system, - including regulations on the control, operation, maintenance and installation of necessary facilities for the operation of an efficient and effective sewerage system and to provide for the determination and collection of sewer service charges and assessments on premises served or benefited by the sewerage system. The standards, regulations and sewer rates of the District hereinafter set forth shall be considered a part of the contract with every person, company or organization whose property is connected to the sewer

system of the District and every such person, company, or organization whose property is connected to the sewer system shall be considered as expressing assent to be bound thereby. The District reserves the right to terminate service to property served by the sewerage system (even when such termination shall affect more than one User through the same connection) in the event that the standards, regulations or charges set forth herein are violated. In the event that service shall be so terminated, the District shall not re-establish service, except on payment of all arrears, together with any expense incurred to discontinue and re-establish such service and on such other terms as the District Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise.

ARTICLE 2 DEFINITIONS

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

- 201 BOD (Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "standard methods."
- 202 BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drain 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.
- 203 COMMERCIAL USER** shall mean any user other than a residential, industrial or public user not falling under the definition of Industrial User. Any portion of a commercial use parcel used as a dwelling shall be treated as a domestic user.
- 204 COMMISSION (FLWCC)** shall mean the Fox Lake Wastewater Control Commission established by the District and the City of Fox Lake for the purpose of providing wastewater treatment for the District and the City and which owns the wastewater treatment facility.
- 205 COMPATIBLE POLLUTANTS** shall mean BOD, suspended solids, phosphorus, ammonia, nitrogen, TKN, pH or fecal coliform bacteria, plus additional pollutants identified in the District's WPDES permit for its wastewater treatment facility, provided that such facility is designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.
- 206 DEBT SERVICE** shall mean the cost of retiring debt incurred by the District to provide wastewater collection and treatment facilities to serve District users, including both principal and interest, and including the District's share of such costs incurred by the FLWCC.

- 207** **DISTRICT** shall mean the Fox Lake Inland Lake Protection & Rehabilitation District, a Wisconsin municipal corporation created pursuant to Sec. 33.21 et seq. of the Wisconsin Statutes whose principal office is located at W10543 County Highway F, Fox Lake, Wisconsin 53933.
- 208** **DISTRICT BOARD (BOARD)** shall mean the Board of Commissioners of the Fox Lake Inland Lake Protection and Rehabilitation District.
- 209** **DOMESTIC USER EQUIVALENT (DUE)** shall mean the average wastewater flow originating from a dwelling unit within the Sewer Service Area, based on based on estimated annual wastewater flow of 210 gallons per day as determined in accordance with Schedules A and B which are attached to this ordinance and made a part hereof.
- 210** **DWELLING (DWELLING UNIT)** shall mean a separately accessible residence, apartment, condominium, cottage or other building or structure which is connected to the sanitary sewer which includes cooking facilities and sleeping accommodations and is capable of being used for human habitation for all or any part of the year.
- 211** **EASEMENT** shall mean a legal right for the specified use of land owned by another.
- 212** **FLOATABLE OIL** shall mean 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.
- 213** **GROUND GARBAGE** shall mean the residue from the preparation, cooling, dispensing, handling, storage and sale of food products and produce 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 1/2 inch in any dimension.
- 214** **HAULER** shall mean an insured person licensed by the state and authorized by the District to haul wastewater to the POTW directly or through an intermediate discharge point.
- 215** **HOLDING TANK** shall mean an approved water tight receptacle for the collection and holding of wastewater.
- 216** **INCOMPATIBLE POLLUTANTS** shall mean wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

217 INDUSTRIAL USER shall mean any non-governmental, non- residential user of the sanitary sewer system identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

Division A - Agriculture, Forestry and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communication, Electric, Gas and Sanitary Services

Division I - Services

A user in the divisions listed may be excluded from the INDUSTRIAL USER classification if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

218 INDUSTRIAL WASTES shall mean discharges to the wastewater collection system from an industrial user.

219 INSPECTOR shall mean each member of the District Board and any District or FLWCC employee authorized by the District Board to act as an Inspector.

220 LATERAL BUILDING SEWER shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.

221 MASTER PLUMBER shall mean a person who is a holder of a master plumber license issued pursuant to Chapter 145, Wis. Stats. and ch. COMM 81, Wis. Adm. Code.

222 MASTER PLUMBER - RESTRICTED (SEWER SERVICE) shall mean a person who is a holder of a master plumber license (restricted) issued pursuant to Chapter 145 Wis. Stats. and ch. COMM 81, Wis. Adm. Code who is authorized thereby to install sewer services from septic tanks or sewer mains to the immediate inside or proposed inside foundation wall of a building.

223 NATURAL OUTLET shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

224 NITROGEN shall mean Total Kjeldahl Nitrogen which is the sum of organic nitrogen and ammonia nitrogen.

225 NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD no greater than 200 mg/l, suspended

solids no greater than 250 mg/l, phosphorous no greater than 10 mg/l and TKN (total kjeldahl nitrogen) no greater than 27 mg/l.

- 226 OPERATION AND MAINTENANCE COSTS (O and M)** include the District's share of the costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time, by the District.
- 227 OWNER (USER)** shall mean any person, partnership, corporation, trust, estate or any other entity or individual owning legal or equitable title to real property which is served by the District's sanitary sewer system or by a private sewage system.
- 228 PERSON** shall mean any individual, firm, company, District or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- 229 pH** shall mean the logarithm of the reciprocal of the hydrogen- ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10.
- 230 PHOSPHORUS** shall mean total phosphorus and is expressed in mg/l of P (phosphorus).
- 231 PUBLIC SEWER** includes the wastewater treatment facilities including sanitary and storm sewers and drains.
- 232 WASTEWATER TREATMENT FACILITY** shall mean the public wastewater treatment works owned and operated by the Fox Lake Wastewater Control Commission and any and all devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste by the District or the FLWCC. The systems include sewers, pipes and equipment used to convey wastewater from the treatment facility and the District's administrative equipment and facilities used in connection therewith.
- 233 REPLACEMENT COSTS** shall mean expenditures incurred to obtain and install equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility and collection system to maintain the capacity and performance for which such facilities were designed and constructed.
- 234 SANITARY SEWAGE** shall mean combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.

- 235 SANITARY SEWER or SEWER** shall mean a pipe or conduit used or intended for the transport of sewage or wastewater.
- 236 SEPTIC WASTEWATER SERVICE CHARGE** is the charge imposed on the hauler for the treatment of septage at the wastewater treatment facility or another place designated by the District.
- 237 SEWER SERVICE AREA** shall mean the area of the District to which sanitary sewer service is available as determined by the Board from time to time.
- 238 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 adversely affects the collection system and/or performance of the wastewater treatment facility.
- 239 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.
- 240 STORM SEWER (DRAIN)** shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.
- 241 SUSPENDED SOLIDS** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.
- 242 TKN (total Kjeldahl Nitrogen)** shall mean the sum of organic nitrogen and ammonia nitrogen.
- 243 UNPOLLUTED WATER** is water which meets or exceeds the discharge standards applicable to the effluent of the wastewater treatment plant 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.
- 244 USER CHARGES (OPERATION & MAINTENANCE or O & M CHARGES)** are charges levied on Users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs and other expenses or obligations of said facilities, including the direct and indirect costs thereof, the costs of administrative staff of the District, the cost of any architectural, engineering, legal or other professional services and any other item of direct or indirect cost which may reasonably be attributed to the provision of such facilities.

- 245 WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (WPDES PERMIT)** shall mean the document issued by the Wisconsin Department of Natural Resources to the FLWCC which authorizes the discharge of treated wastewater from the wastewater treatment plant and establishes effluent standards and monitoring and other requirements pertaining to the wastewater treatment plant.
- 246 WASTEWATER** shall mean the spent water of a community or person and includes sewage, septage, holding tank waste and privy waste. Wastewater includes a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.
- 247 WASTEWATER COLLECTION FACILITIES (WASTEWATER COLLECTION SYSTEM)** shall mean the sewers, lift stations and other structures and equipment required to collect and carry wastewater.
- 248 WATERCOURSE** shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE 3 USE OF THE PUBLIC SEWERS

301 PROTECTION FROM DAMAGE. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, tamper with any structure, appurtenance, or equipment which is a part of the public sewer facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

302 STORM SEWERS AND DRAINS. No person shall discharge or cause to be discharged to any storm sewer, drain or natural outlet within the District, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and applicable laws and regulations. Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the District and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the District and other regulatory agencies to a storm sewer, combined sewer or natural outlet.

303 PERMIT REQUIRED. It shall be unlawful to discharge to any natural waterway within the District or in any area under the jurisdiction of said District any sewage or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System Permit (WPDES permit).

304 PRIVATE SEWAGE SYSTEMS PROHIBITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank,

cesspool, holding tank, or other private sewage system or facility intended or used for the disposal of wastewater within the District's Sewer Service Area.

305 SANITARY SEWERS. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof run off, subsurface drainage or cooling water to any sanitary sewer.

306 PROHIBITIONS & 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 sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards or in any other way be injurious to persons, property or the operation of the wastewater facilities.
- B. Any stormwater, rainwater, floodwater or water originating from a sump pump or seepage pit or basement drainage water.
- C. Any waters or wastes containing toxic or poisonous solids, liquid or gases in sufficient quantity, either singly or by interaction with other wastes that could 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, or interfere with the disposal of sludge.
- D. Any substance, which if disposed of in any other method than to the sanitary sewer, would be classified or defined as a hazardous waste under 40 CFR, Part 261.
- E. Any waters or wastes having a pH lower than 6.0, or in excess of 9.0, or having any other Corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment facilities.
- F. 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 treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- G. The following described substances, materials, waters or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance.

The District may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The District will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or wastewater discharged to the sanitary sewers shall not exceed the following limitations:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
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 more than 100 parts per million by weight floatable oils, fat or grease.
4. Any un-ground garbage. 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, mercury and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the District or limits established by any federal or state statute, rule or regulation.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable state or federal regulations.
8. 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.

9. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids or create a condition deleterious to structures and treatment processes.
10. Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - b. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - c. 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).
 - d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
11. Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations by the Environmental Protection Agency (EPA) , 40 CFR 403, as amended from time to time.
12. Any discharge which would cause a violation of the District's WPDES permit and any modifications thereof.

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

ARTICLE 4 SEWER CONSTRUCTION AND CONNECTIONS

401 SANITARY SEWER CONNECTIONS

- A. A separate and independent building sewer connection shall be provided for every building to which sanitary sewer service is to be provided by the

District. New buildings which are used for human habitation and located within the District's Sewer Service Area shall be connected to the sewer system prior to occupancy.

- B. Existing buildings which are used for human habitation shall be connected to the sewer system not more than one (1) year following any modification to the District's Sewer Service Area which provides sewer service availability to such building, except that no such connection shall be required between November 15 and April 15.
- C. Nothing from this ordinance shall be construed to require the District to provide sewer service to areas not within the District's Sewer Service Area.
- D. All connections to the collection system shall be made through lateral lines connected to stubs or saddles provided for that purpose. Direct connections to District owned or maintained sewage pumping stations are not permitted. Connections to the discharge piping system from a grinder pump station or at another point approved by the District upon request of the Owner and subject to conditions and requirements determined by the Board, prior to the issuance of the connection permit.

402 PERMIT REQUIRED. No person shall cause any premises to be connected to any public sewer or appurtenance thereto without first obtaining a written permit from the District. Such permits shall be issued by the District on the application of the Owner or the Owner's authorized agent on a form furnished by the District. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the person ordering such tapping or other work shall exhibit the proper permit for the same from the District.

403 USE OF OLD BUILDING SEWERS. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the District Inspector, to meet all requirements of this Ordinance.

404 COST OF SEWER CONNECTION. All costs and expenses incidental to the installation and connection of the building sewer (including but not limited to any damages occasioned by the installation and connection, interest on debt incurred by the District in connection with the installation and connection, reasonable charges for the services of District administrative staff, and architectural, engineering and legal services 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.

405 MATERIALS & METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of a building sewer, and methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform

to the State of Wisconsin plumbing code and other applicable State laws and local ordinances and regulations.

406 CONNECTION STANDARDS. The connection of the building sewer into the public sewer shall conform to the requirements of this Ordinance, the State of Wisconsin plumbing code and other applicable State laws and local ordinances and regulations. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the District Board prior to installation.

407 DISTURBANCE OF SEWER PIPES PROHIBITED. No person shall open, expose or otherwise uncover, alter or disturb any public sewer or appurtenance thereof without except pursuant to a permit issued by the District.

408 BUILDING SEWER GRADE. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. Any building which does not have a basement at least 4 feet deep shall be equipped with a clean out riser at least 2 feet outside the perimeter of such building and accessible for inspection and maintenance. For all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the Owner's expense.

409 USER USE ONLY. No User shall allow others or other services to connect to the wastewater collection facilities through the owner's lateral.

410 TERMINATION OF SERVICE, DEMOLITION OR VACATING OF PREMISES. The Owner shall notify the District in writing in the event that such owner desires to demolish, vacate or terminate service to premises served by the system. In the event of such a termination of service, the Owner shall be responsible for removing all water connections and plumbing fixtures within such premises. The District shall discontinue service to the premises only after its Inspector determines that the water connections and plumbing fixtures have been properly removed by a licensed plumber and the lateral connection capped not less than 3 feet below grade, prior to backfilling. The Owner of the premises shall be liable for any damages to the wastewater facilities other than those caused by the District.

411 UTILITY RESPONSIBILITY. It is expressly stipulated that no claim shall be made against said District or acting representative by reason of breaking, clogging, stoppage or freezing of any service pipes; nor from any damage arising from repairing the mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to temporarily discontinue sewer service within any portion of the Sewer Service Area, the District shall, to the extent practicable, endeavor to notify each affected user of the time such service will be discontinued.

412 SURFACE RUNOFF AND GROUND WATER. No person shall connect or permit connection of roof downspout, foundation, area-way, garage, driveway or other type of drain to the sanitary sewer or by any other means cause or permit the discharge of surface water or ground water, directly or indirectly to the sanitary.

All existing surface water and ground water drains that is connected directly or indirectly to a sanitary sewer shall be disconnected within fifteen (15) days of the date of a written notice from the District. Failure to disconnect after such notice shall authorize the District to cause disconnection and assessment of the costs of such disconnection against the Owner of the affected property. The District may, in the alternative, institute action for violation of this subsection.

413 EXCAVATIONS

- A. No person may dig, drill, bore or excavate within the Sewer Service Area without first contacting "Digger's Hot Line" not less than three working days in advance.
- B. In making excavations in the street or highway right-of-ways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will occasion the least inconvenience to the public. All excavations must be conducted in accordance with best management practices to minimize erosion, barricaded to protect against injury and equipped with operating warning lights if the excavation is not closed by sunset.
- C. All such excavations shall be refilled after the service pipes are laid in layers of not more than 12 inches in depth with each layer thoroughly compacted to prevent settling to restore the surface to its condition prior to excavation.

414 INSTALLATION OF HOUSE LATERALS

- A. All service pipes (laterals) on private property will be installed in accordance with this Ordinance, the State of Wisconsin plumbing code and other applicable State laws and local ordinances and regulations. [See especially Wis. Adm. Code Chapter Section COMM 82.04 (4) "Building Sewers," as amended.]
- B. All laterals will be inspected upon completion of placement of the pipe and before backfilling; and tested before or after backfilling.

415 ADDITIONAL AUTHORITY. The District Board may establish specific connection and lateral charges for any main not covered by any other provisions in this Ordinance or when an extension has been made without provision for lateral connection

charges. The District Board may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

ARTICLE 5 SEWER EXTENSIONS

501 DETERMINATION OF SEWER SERVICE AREA.

- A. The boundaries of the District Sewer Service Area shall be established from time to time by resolution of the District Board. The District Board may modify the Sewer Service Area on its own motion or in response to a petition as provided for in this Article.

- B. In determining whether to extend the boundaries of the Sewer Service Area, the District Board shall consider engineering feasibility, cost effectiveness of providing sanitary sewer service to property, the factors set forth in Section 281.35 (5)(d) of the Wisconsin Statutes, and the extent of support by the owners of property which would be served by the proposed extension. The District Board may survey affected owners, conduct public informational meetings or public hearings or take other actions in order to assess the extent of such support.

- C. No extension of the boundaries of the Sewer Service Area shall be approved by the District Board unless wastewater transportation and treatment capacity is sufficient to accommodate the proposed extension area when fully developed. In determining the sufficiency of transportation and treatment capacity, the District Board shall account for current wastewater flows and shall reserve transportation and treatment capacity sufficient to provide sewer service to all areas of the existing Sewer Service Area (including unplatted areas and unimproved lots).

502 PETITIONS TO EXTEND THE SEWER SERVICE AREA

- A. Any petition to extend the boundaries of the Sewer Service Area shall be submitted in writing to the District office and shall include all of the following:
 - 1. The legal description or tax parcel numbers of each lot or parcel of land to which sanitary sewer service which would be available if the proposed extension of the Sewer Service Area were approved.

 - 2. The name and address of each owner of the property described in paragraph 1 above.

 - 3. A statement of the intended use of any unimproved property described in paragraph 1 above, signed by the owner or contract

purchaser thereof, including a general plan for the improvement of such property.

4. Such other information concerning the proposed extension as the District Board requires.
- B. The District Board shall consider a petition under this section at its next regular meeting that is at least 10 days following receipt of the petition.
- C. The District Board may reject any petition for an extension of the sewer service area where such extension would clearly not meet the standards set forth in Section 501 hereof.
- D. If the District Board determines that the proposed extension may meet the standards set forth in Section 501 hereof, it may require the Petitioner to deposit funds into an escrow account maintained by the District Treasurer in an amount sufficient for the District Engineer to review the proposed extension and to provide an initial report on the engineering feasibility (including design alternatives), cost effectiveness and the factors set forth in Section 501. The Engineer's report shall be considered at the next regular meeting of the District Board that is at least 10 days following the receipt of the report. In the event that the proposed extension is approved, such funds shall be refunded to the petitioner ninety days after the adoption of the District Board's final special assessment resolution for the construction of sewers into the area affected by the extension. In the event that the proposed extension is not approved, such funds shall be applied to the cost of the Engineer's review and shall **not** be refunded to the petitioner.
- E. The District Board may conduct a public hearing on the petition. In the event that a public hearing is held, notice of the hearing shall be published as a Class 1 notice and mailed to the owner of each parcel of land which would be served by a proposed extension of the Sewer Service Area.

503 COST OF EXTENSION. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes, lift stations and grinder pumps that are part of the extension. If more than one User will be served by the extension, the entire cost shall be divided among these Users. In addition to the cost of the extension, each User shall pay the full cost of the lateral from the main to such User's building.

504 ASSESSMENT OF COSTS. After making the decision as to the length and location of the extension and prior to charging the cost of the extension to the User(s) to be served by the extension, the District Board shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the District shall first divide the area to be served into logical building

lots. The District may consider the recommendations of the landowner in determining said building lots if the application includes a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users if more than one User is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.

ARTICLE 6 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS

601 REPORT. Any person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the District Board a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. Such person shall also obtain a Wisconsin Pollutant Discharge Elimination System permit and shall submit a copy of the permit to the District Board with the report.

602 INDUSTRIAL DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 306 and which, in the judgment of the District Board, may have deleterious effects upon the wastewater treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the District Board may:

- A. Reject the wastes
- B. Require pretreatment to an acceptable condition for discharge to the public sewers.
- C. Require a 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 this Ordinance.

603 CONTROL MANHOLES. The District Board may require that any person discharging industrial wastes into a public sewer construct and maintain one or more control manholes, access points, and related equipment to facilitate observation, measurement and sampling devices of wastes, including sanitary sewage. Any such control manholes or access facilities shall be located and built in a manner approved by the District Board. If measuring and/or sampling devices are to be permanently installed, they shall meet all requirements determined necessary by the District and in conformance with the requirements of this Ordinance, the State of Wisconsin plumbing code and other applicable State laws and local ordinances and regulations.

604 COSTS, MAINTENANCE AND PLANS. Control manholes, access facilities, and related equipment shall be installed by and at the expense of, the person

discharging the waste and shall be maintained by such person 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 District Board prior to the beginning of construction.

605 MEASUREMENT OF FLOW. Except as otherwise provided in this ordinance, the volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the District.

606 METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the District if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the District Board.

607 WASTE SAMPLING. Industrial and commercial 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 by the industry as often as may be deemed necessary by the District Board.

- A. 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 District Board.
- B. 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 District Board. Access to sampling locations shall be granted to the District or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

608 PRETREATMENT. Persons discharging industrial wastes into any public sewer may be required to pre-treat such wastes, if the District Board determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the sanitary sewers at the expense of such person.

609 GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be installed and maintained at the Owner's sole expense for all restaurants, commercial establishments engaged in food preparation, and industrial users, when in the opinion of the District Board, they are necessary for the proper handling of

liquid wastes, containing floatable grease in amounts in excess of those specified in this ordinance or any flammable wastes, sand, or other harmful ingredients.

All interceptors shall be of a type and capacity approved by the District Board and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the District Board. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

610 ANALYSES.

- A. All **measurements**, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR 136) as amended from time to time. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the District Board.
- B. Each industrial user shall submit evidence to the District of the character and concentration of the wastes the user proposed to discharge. The District Board may also make its own analyses on the wastes and these determinations shall be used as a basis for sewer service charges. If the person discharging the waste contests the determination, the District may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the District Board and the person discharging the waste. All cost incurred by the independent laboratory in making the determination shall be assumed by the person discharging the waste.

611 SUBMISSION OF INFORMATION. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand facilities shall be submitted for review to the District Board prior to the start of 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.

612 ACCIDENTAL DISCHARGES. The accidental discharge of any prohibited waste into any sewer shall be reported to the District Board by the person responsible for the discharge, or by the owner of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge, so that steps may be taken to minimize its effect on the treatment plant.

ARTICLE 7 CHARGES

701 POLICY. It is the policy of the District to obtain sufficient revenues to pay the costs of the operation and maintenance of the wastewater facilities, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances that are necessary to maintain the capacity and performance of the wastewater facilities during the service life for which such facilities were designed and constructed) , through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater treatment facilities pays a proportionate share of the cost of said facilities.

702 USER CHARGES (OPERATION & MAINTENANCE CHARGES). The District shall collect periodic User Charges. Each User shall be billed for the portion of the operating and maintenance costs of the FLWCC applicable to that particular User. The User Charges shall be determined annually by the District and shall be billed quarterly. The User Charges shall be effective from the time of final inspection of the sewer connection until service is terminated.

703 CONNECTION CHARGE. A Connection Charge is hereby imposed upon each lot, parcel of land, building or premises which is served by the sewage system or otherwise discharges sewage, including non- domestic and industrial wastes, into the system. The Connection Charge shall be on the basis of one unit for each domestic user equivalent (DUE) unit as defined in this ordinance. Each User shall pay a Connection Charge of \$4,900.00 for each DUE. The Connection Charge for each DUE assessed shall increase annually in the amount of \$50 beginning January 1, 2000. The District Engineer shall determine the DUE units for all categories of Users.

704 CHANGE IN USE CHARGE. An Owner must notify the District Board in writing of any proposed change in the use of a building at least thirty (30) days prior to the change in use. The written notification must describe the proposed new use. The District shall adjust the DUE assessment for the building in accordance with the proposed new use of the building. If the DUE assessment for the building increases the District shall collect a Change in Use Charge of \$4,900.00 for each additional DUE assessed to the building as a result of the change in use. The Change in Use Charge for each additional DUE assessed shall increase annually in the amount of \$50.00 beginning January 1, 2000. The District Board shall notify the Owner of the amount of the Change in Use Charge no more than 15 days after receipt of written notification. The Change in Use Charge shall be paid to the District Board by the User **prior** to the change in use of the building.

705 INDUSTRIAL CHARGES FOR OTHER THAN NORMAL WASTEWATER. Charges for wastewater other than Normal Wastewater shall be based on Flow, BOD, Suspended Solids and such other constituents which affect the cost of collection and treatment. The volume of flow used for computing waste surcharges shall be the metered or estimated water consumption, subject to adjustments as otherwise

herein provided, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall be determined by the District Flow in an amount sufficient to cover all costs incurred by the District to sample, analyze and treat such wastes and may include the costs of capital equipment or related expenditures required to treat such waste.

706 EXCESS FLOW CHARGE. Any User discharging wet weather Flows exceeding 100 gallons per capita per day (gpcd) after adjustments for any significant large Users shall be charged Excess Flow Charges. Charges shall be based on metered flows and the prevailing rate at the time. The Excess Flow Charges shall be billed to the User on a quarterly basis.

707 INDUSTRIAL COST RECOVERY SYSTEM (ICRS). An ICRS shall be developed and adopted in accordance with United States Environmental Protection Agency should industrial users, as defined in this Ordinance, connect to the sewer system.

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

709 CONTRACT BASIS. Nothing in this ordinance shall prohibit the District from providing wastewater services to Users outside the boundaries of the District under mutually agreeable conditions.

ARTICLE 8 ACCOUNTS AND FUNDS

801 FUNDS. The District shall separately maintain an operation and Maintenance Fund, a Debt Service Fund, and a Capital Improvement Fund. The District Clerk will keep and maintain separate records of each fund.

802 OPERATION AND MAINTENANCE FUND. There is hereby created an Operation and Maintenance Fund which shall consist of User Charges allocable to operation and maintenance and investment income earned by the operation and Maintenance Fund. The Operation and Maintenance Fund shall be exclusively for the operation and maintenance of the wastewater facilities.

803 DEBT SERVICE FUND. This fund hereby created a Debt Service Fund which shall contain any User Charges allocable to debt service, voluntary payments, and investment income earned by the Debt Service Fund. The Debt Service Fund shall be used only for the payment of principal and interest and fees directly related to debt payment.

804 CAPITAL IMPROVEMENT FUND. There is hereby created a Capital Improvement Fund which shall consist of Connection Charges, Change in Use Charges, investment income earned by the Capital Improvement Fund, and all assets of the District's Reserve Capacity Assessment and DUE Funds existing as of the effective date of this ordinance. The Capital Improvement Fund shall be used for the replacement, improvement and expansion of the wastewater facilities.

805 ACCOUNTS AND AUDIT. The District may from time to time establish accounts within the funds established under this article for specific purposes authorized by such funds. The funds and accounts will be audited annually by a certified public accountant and all financial records will be maintained throughout the life of the system.

ARTICLE 9 ANNUAL SEWER BUDGET

901 PREPARATION OF BUDGET. At least thirty (30) days before the Annual Meeting, the District Treasurer shall prepare a proposed budget for the following fiscal year which shall include operation and maintenance of the wastewater facilities and any proposed capital improvements and debt service.

902 OPERATION AND MAINTENANCE REVENUES. Revenues for the operation and maintenance budget shall include any projected year end balance (excluding depreciation funds), projected O&M/User Charges allocable to operation and maintenance, projected Operation and Maintenance Fund investment income, and projected contract revenues, permit fees, special rates.

903 OPERATION AND MAINTENANCE EXPENDITURES. Expenditures for the operation and maintenance budget shall include all costs defined in Section 226 of this Ordinance plus any projected year end deficit.

904 DEBT SERVICE REVENUES. Revenues for the debt service budget shall include any projected year end balances in the Debt Service Fund, projected User Charges allocable to debt service and projected Debt Service Fund investment income.

905 DEBT SERVICE EXPENDITURES. Expenditures for the debt service budget shall include principal, interest, premiums, paying agency fees and other expenses related to debt.

ARTICLE 10 BILLING

1001 PAYMENT. Except as otherwise provided in this Ordinance, User Charges shall be due and payable at the District office within 15 days from and after the date of the statement. In the event that any such statement is not paid when due, a penalty of 1 ½ % of the outstanding balance will be added thereto.

1002 ADDRESSES. The Owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature relative to the sewer service

shall be sent by first class mail to the address listed on the tax roll for purposes of mailing property tax bills. The Owner shall notify the District Office in writing of any requested address change for purposes of receiving sewer bills and notices, except that **the District will change an owner's address for purposes of receiving sewer bills and notices more per year.**

1003 FAILURE TO RECEIVE BILL NO PENALTY EXEMPTION. Reasonable care will be exercised to secure proper delivery of District bills for User Charges. However, failure to receive a sewer bill shall not relieve any person of the responsibility for payment of such charges within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

1004 DELINQUENT BILLS. On October 15 in each year notice shall be given to the Owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment of \$5.00 or more for which is owned and in arrears at the time of giving such notice. The District Treasurer shall furnish the Town Treasurer with a list of all such lots or parcels of real estate. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the District, and shall further state that, unless the same is paid by November 1, a penalty of 10% of the amount of such arrears will be added thereto and the entire amount levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate, giving the legal description thereof and the amount of unpaid arrears and penalty. Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent, and the District Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said tax if the same is not paid within the time required by law for payment of taxes upon real estate.

ARTICLE 11 ENFORCEMENT

1101 POWERS AND AUTHORITY OF INSPECTORS.

- A. Inspectors bearing proper credentials and identification shall be permitted to enter all properties, at all reasonable hours of the day, for the purposes of inspection, observation, examination of pipes and fixtures, the manner in which the drains and sewer connections operate, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this Ordinance. The Owner(s) must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Section 196.171 of the Wisconsin Statutes, as amended.

- B. Inspectors are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential only if the industry establishes that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties referred to in Subsection a, above, Inspectors shall observe all safety rules applicable to the premises established by the User, and the User shall be held harmless for injury or death to the Inspectors, and the District shall indemnify the User against loss or damage to its property by Inspectors and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions as required in Section 604.
- D. Inspectors bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE 12 VIOLATIONS & PENALTIES

1201 NOTICE OF VIOLATION. Any person found to be violating any provision of this ordinance except violations which present a threat to public health or safety shall be served by the District with written notice stating the nature of the violation, and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation and shall pay all actual costs incurred by the District as a result of the violation, as reasonably estimated by the District Board.

1202 PUBLIC NUISANCE. The violation of any provision of Articles 3 or 6 hereof shall constitute a public nuisance.

1203 ABATEMENT OF NUISANCE - NO IMMEDIATE DANGER. If it is determined that a public nuisance has been created, or is being maintained, by a violation of this Ordinance (as set forth hereinabove), but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health or safety, written notice identifying the nature of the violation shall be served on the person causing or maintaining the nuisance to remove or correct the same within a specified reasonable

time. The offender shall, within the period of time stated in said notice, abate the nuisance and permanently cease all violations.

1204 ABATEMENT OF NUISANCE - IMMEDIATE DANGER. If it is determined that a public nuisance caused by the violation of this ordinance exists and that there is danger to public health, safety, peace, morals or decency, the District Board or County Sheriff may cause the same to immediately be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

1205 ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater treatment facility and/or receiving body of water shall, in addition to being fined, pay an amount to cover any damages, both values to be established by the District.

1206 CITATION METHOD OF ENFORCEMENT.

- A. The District may use the citation method of enforcement of this Ordinance pursuant to Sec. 66.119, Wis. Stats. All District officers and other District personnel charged with the responsibility of enforcing the provisions of this Ordinance are hereby authorized pursuant to Sec. 66.119 (1) (a), Wis. Stats., to issue citations for violations of this Ordinance, including those provisions for which a statutory counterpart exists.
- B. A citation issued for a violation of this Ordinance shall contain the following:
 - 1. The name and address of the alleged violator.
 - 2. Factual allegation describing the alleged violation
 - 3. The time and place of the offense
 - 4. The section of the Ordinance violated
 - 5. A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.
 - 6. The time at which the alleged violator may appear in court.
 - 7. A statement which in the essence informs the alleged violator:
 - i. That a cash deposit based on the schedule established in Section 1210 of this Ordinance may be made which

shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled court appearance.

- ii. That if a deposit is made, no appearance in court is necessary unless he or she subsequently summoned.
 - iii. That if a cash deposit is made and the alleged violator does not appear in court, he or she either will be deemed to have entered a plea of no contest and submitted to a forfeiture, a penalty assessment imposed by Sec. 165.87, Wis. Stats., a jail assessment imposed by Sec. 302.46(1), Wis. Stats., and any applicable domestic abuse assessment imposed by Sec. 973.055(1), Wis. Stats., not to exceed the amount of the deposit, or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
 - iv. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or a warrant for his or her arrest or consider the nonappearance to be a plea of no contest and enter judgment, or the District may commence an action to collect the forfeiture, penalty assessment, jail assessment and any applicable domestic abuse assessment.
 - v. That if the court finds that the violation involves a provision of this Ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Sec. 800.093, Wis. Stats.
8. A direction that if the alleged violator elects to make cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Subsection above has been read. Such statement shall be sent or brought with the cash deposit.
9. Such other information as the District Board deems necessary.
- C. The form of citation and a schedule of penalties and cash deposits to be used by the District is on file in the District Office and is adopted by reference as though fully set forth herein.

- D. Deposits shall be made in cash, money order or certified check to the Clerk of Circuit Court who shall provide a receipt therefore.
- E. The following District officials may issue citations for violations of this ordinance:
 - 1. any Inspector;
 - 2. any other duly authorized District agent or employee
- F. Section 66.119(3), Wis. Stats., relating to violator's options and procedure on default, is hereby adopted and incorporated herein by this reference.
- G. This Section does not preclude the District Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- H. The issuance of a citation hereunder shall not preclude the District or any authorized officer from proceeding under any other provision of this Ordinance or any other ordinance or law or by any other enforcement method to enforce this Ordinance.

1207 PENALTY FOR VIOLATION. Any person who violates any provision of this ordinance shall be subject to a penalty as provided in the Wisconsin Statutes, which are by this reference made a part hereof as if fully set forth herein.

1208 LIABILITY FOR DAMAGES. Any person violating any of the provisions of this Ordinance shall, in addition to any penalty or fine which may be assessed against such person, be liable to the District and others, as their interests may appear, for any Expense, loss, or damage occasioned the District or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream User or facilities damaged as a result of a prohibited discharge or any other violation of this Ordinance.

1209 VIOLATION OF INDUSTRIAL PROVISIONS.

- A. Notification of Violation. Whenever the District finds that any industrial user has violated or is violating this Ordinance, or a wastewater permit or order issued hereunder, the District or its agent may serve upon said user written notice of the violation.

Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the District. Submission of this plan in no way

relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

B. Civil Penalties

1. Any industrial user who has violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the District for a civil penalty in the maximum amount authorized under law, plus actual damages incurred by the District for each violation. Each day shall constitute a separate violation for as long as the violation continues. In addition to the above described penalty and damages, the District may recover reasonable attorney's fees, court costs and other costs of enforcement, including sampling, monitoring and analysis expenses.
2. The District shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

1210 SCHEDULE OF FORFEITURES. Notwithstanding any contrary provision contained in this Article 12:

- A. Except as provided in subparagraph b, below, any person who violates any provision of this Ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each such violation, provided that the minimum forfeiture for the second offense shall be not less than five hundred dollars (\$500.00) and the minimum forfeiture for the third or subsequent offense shall be not less than two thousand dollars (\$2,000.00).
- B. Any person who violates Sections 301, 304, 306, 401, 402, 407, 611 or 612 of this ordinance shall forfeit not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) for each such violation, provided that the minimum forfeiture for the second offense shall be not less than one thousand dollars (\$1'000.00) and the minimum forfeiture for the third or subsequent offense shall be not less than five thousand dollars (\$5,000.00).

1211 SEPARATE VIOLATION. Each day of a violation considered a separate violation under this Ordinance.

ARTICLE 13 APPEALS

1301 Any user, permit application or permit holder affected by a decision, action or determination, including cease and desist orders, made by the District interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the District Board a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The District Board shall schedule a hearing on the request for reconsideration to the user, permit applicant or permit holder in writing within thirty (30) days of receipt of request. The written appeal shall be considered by the District Board within thirty (30) days following such hearing.

ARTICLE 14 COMPLIANCE WITH OTHER REGULATIONS.

1401 All users of the District sewer system shall comply with all applicable statutes, ordinances, rules and regulations of the Fox Lake Wastewater Control Commission, Dodge County, the State of Wisconsin, and the United States of America.

ARTICLE 15 VALIDITY

1501 SEVERABILITY. If any provision of this ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

1502 AMENDMENT. The District Board may amend this ordinance in part or in whole as it may deem necessary.

SECTION 3. This Ordinance No. 99-01 becomes effective upon passage and publication as provided by law.

Adopted this 7th day of August, 1999

**FOX LAKE INLAND LAKE PROTECTION AND
REHABILITATION DISTRICT**

By:

Robert I. McCloud, Chair

Attest:

Edwin W. Benter, Secretary

SCHEDULE A

<u>Type of User</u>	<u>DUES</u>
RESIDENTIAL dwelling unit	1 per
MOTEL/HOTEL (where rooms have plumbing)	1 per 2 rooms
(where rooms have no plumbing)	1 per 6 rooms
OTHER	
*Fixture Units	
0-20	1
21-30	2
31-56	3
57-109	4
110-275	5

*Fixture unit determination will be computed per Schedule B.

Each DUE equals 210 gallons per day (gpd) 76,650 gallons per year.

The minimum value for any user shall be 1.0 DUE.

User charges for other Residential Users will be based on metered flow where meters are installed or required.

DUES shall be established to the nearest 0.25 DUE when based upon water meter readings.

Unit determinations for facilities not set forth above shall be done on a case-by case basis by the District Board.

DUES may be established for other than residential dwelling units by the property owners by installation of an approved water meter and the supplying of the actual metered flow to the District Inspector. The water meter shall be installed in such a manner to provide accessibility to the District Inspector so actual meter readings can be observed. The water meters shall be as specified by the District and be installed by the User. All other costs in connection with the water meter installation shall be at the

expense of the User. The District may charge for each meter to compensate for furnishing, reading and servicing the meter. No DUE determination made pursuant to this method shall be permitted which reduces the DUE below the applicable minimums as set forth below:

Rated DUE	Minimum DUE
2-3	1
4-5	2
6-9	3
10-14	4
15 or more	5

SCHEDULE B WATER SUPPLY FIXTURE DEMAND UNITS

<u>FIXTURE CONTROL</u>	<u>OCCUPANCY WEIGHT IN</u>	<u>TYPE</u>
<u>FIXTURE UNITS</u>		
Water Closet Valve	Public 10.	Fl.
Water Closet Valve	Public 5.	Fl.
Urinal Valve	Public 5.	½" Fl.
Urinal Valve	Public 5.	¾" Fl.
Lavatory Faucet	Public 2.	
Bathtub or Shower Head Faucet	Public 4.	
Service Sink Faucet	Offices, etc. 3.	
Kitchen Sink Faucet	Hotels-Restaurants 4.	
Drinking Fountain Valve	Offices, etc. 0.25	3/8
Water Closet Valve	Private 6.	Fl.
Water Closet Valve	Private 3.	Fl.
Lavatory Faucet	Private 1.	
Bathtub or Shower Head Valve	Private 2.	Mixing
Kitchen Sink Faucet	Private 2.	
Laundry Trays (1 to 3 compartments) Faucet	Private 3.	
Combination Fixture Faucet	Private 3.	
Dishwashing Machine Automatic	Private 1.	
Laundry Machine (8#) Automatic	Private 2.	

Laundry Machine (8#) Public or General Automatic	3.	
Laundry Machine (Large) Requirements	Refer to Manufacturer's 3.	
Bathroom Group Valve	Private 9.	Fl.
Bathroom Group Tank	Private 6.	Fl.
Bidet Variable	Public 4.	
Coffee Urn Stand Variable	Public 2.	
Food Waste Grinder Variable	Public Mfr. Require	
Hose-Pre-Rinse Variable	Public 3.	
Hose Station Variable	Public 4.	
Ice Maker Variable	Public 1.	
Sink - Baker's Pan Variable	Public 3.	
Sink - Back Bar Variable	Public 2.	
Sink - Cook's Variable	Public 3.	
Sink - Diet Kitchen Variable	Public 2.	
Sink - Meat Preparation Variable	Public 3.	
Sink - Pot and Pan (Per Faucet) Variable	Public 4.	
Sink - Salad Preparation Variable	Public 3.	
Sink - Silver Soak Variable	Public 3.	
Sink - Vegetable e	Public 3.	Variabl
Ice Cuber and Flakers e	Public 1.	Variabl
Hosebibb - Wall Hydrant Variable	Public and Private 4.	
Wall Hydrant C.W. & H.W. Variable	Public and Private 4.	

Lavatory - (Treatment or Clinical)	Public	
Faucet		1.5
Emergency Eye Wash	Public	
Faucet		1.
Sink - Barber and Shampoo	Public	
Faucet		2.
Sink - Cup	Public	
Variable		1.
Sink - Laboratory	Public	
Variable		2.
Sink - Laboratory & Trough	Public	
Variable		3.
Sink - Treatment or Exam	Public	
Variable		2.
Wash Fountain - Factory	Public	
Variable		2.
Wash-up (2011=1 Lav. Space)		

CERTIFICATION

The undersigned certifies as follows: (1) that he is the Secretary of the Fox Lake Inland Lake Protection and Rehabilitation District, (2) that this Ordinance No. 99-01 was duly adopted by the Board of Commissioners of the Fox Lake Inland Lake Protection and Rehabilitation District at a duly convened meeting on the 7th day of August, 1999, by a vote of 4 Ayes and 0 Noes and 1 Absent; and (3) that this Ordinance No. 99-01 was published in the Fox Lake Reporter on _____, 1999.

Dated this _____ day of August, 1999.

Edwin W. Benter, Secretary