

CHAPTER 13

SEWERS AND WATER

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Effective with recodification, 2001, this chapter is being retitled, "Sewers and Water." These provisions were previously titled as, "Title 13 Water and Sewers."

13.01 TITLE AND AUTHORITY.

(1) **TITLE.** This Chapter shall be known and cited as " The Village of Brownsville Sewer and Water Ordinance" and may also be known as the "Sewer Use, Sewer Service Charge and Clean Water Ordinance."

(2) **AUTHORITY.** This chapter is adopted pursuant to authority granted under §§66.066(1)(a)(b)(c) and (1m), and 66.067, Wis. Stats. The sewer and water utilities of the Village shall be managed, controlled and operated by the Village of Brownsville, Village Board of Trustees, hereinafter referred to as the Village Board or the Approving Authority in accordance with the requirements of this chapter. (Recr. fr. §13.04.010)

13.02 PURPOSE AND INTENT. This chapter is adopted to promote the health, safety, prosperity, aesthetics and general welfare of the people within the Village or people served by Village sewer service; to regulate the location, construction, installation, alteration, design and use of sewage disposal system and private water supply so as to protect the health of residents; to secure safety from disease and pestilence; to further the appropriate use and conservation of certain land and water resources and to preserve and promote the general beauty of the Village.

13.03 ABROGATION AND GREATER RESTRICTIONS. It is not the intent of this chapter to repeal, annul, abrogate, impair or otherwise interfere with any existing permits, agreements, rules, regulations, ordinances, covenants, or deed restrictions previously adopted or issued pursuant to the law. The provisions of this chapter shall govern wherever same imposes greater restrictions.

13.04 INTERPRETATION. The provisions of this chapter shall be interpreted and applied as minimum requirements, shall be construed in the favor of the Village and shall not be deemed a limitation or repeal of any power granted by Wisconsin State Statutes.

13.05 DEFINITIONS. (Recr. fr. Ch. 13.08) Unless specifically defined elsewhere herein, words and phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application.

(1) **ADMINISTRATIVE CODE ADOPTED.** The definitions provided in Wis. Adm. Code, Chs. NR 110, 114.03, 8.11.02, 812, 813 and COMM 82, 83 and 85, are hereby adopted by reference as if fully set forth herein.

(2) **APPROVING AUTHORITY** shall mean the Village Board or its duly-authorized agent(s) or representative(s).

(3) **BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

(4) **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.

(5) **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.

(6) **CATEGORY A** shall be those sanitary sewer users located within the corporate limits of the Village.

(7) **CATEGORY B** shall be those sanitary sewer users located outside the corporate limits of the Municipality.

(8) **CHLORINE REQUIREMENT** shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a chlorine residual as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

(9) **COMBINED SEWER** shall mean a sewer intended to receive both wastewater and storm or surface water.

(10) **COMPATIBLE POLLUTANTS** shall mean BOD, suspended solids, phosphorous, ammonia, nitrogen, TKN, pH or fecal coliform bacteria, plus additional pollutants identified in the Municipality'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.

(11) **COUNTY** means the County of Dodge, Wisconsin.

(12) **DEBT SERVICE** shall mean cost to the Village for the retirement of debts incurred in the provision of wastewater facilities including both principal and interest.

(13) **DWELLING.** See §254.55(1), Wis. Stats.

(14) **EASEMENT** shall mean an acquired legal right for the specified use of land owned by others.

(15) **ESTABLISHMENT.** See §254.61(2), Wis. Stats.

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

(17) **GARBAGE.** See §§281.01(4) and 289.01(9) , Wis. Stats.

(18) **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.

(19) **HOTEL.** See §254.61(3), Wis. Stats.

(21) **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.

(22) **INDUSTRIAL WASTE** shall mean any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment. Such term includes any wastewater which is not sanitary sewage. (See also §281.01(5), Wis. Stats)

(23) **MUNICIPALITY** shall mean the Village of Brownsville.

(24) **NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake or other body of surface water or ground water.

(25) **NITROGEN** shall mean ammonia nitrogen, expressed in mg/l of NH₃N.

(26) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD no greater than 175 mg/l, suspended solids no greater than 185 mg/l, phosphorus no greater than 2.86 mg/l and NH₃N (ammonia nitrogen) no greater than 21.5 mg/l.

(27) OPERATION & MAINTENANCE COSTS shall include all 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 Municipality.

(28) OWNER. See §254.55(2), Wis. Stats.

(29) PERSON shall mean any and all persons, including any individual, firm, company, municipality or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(30) 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^{-7} .

(31) PHOSPHORUS shall mean total phosphorus and is expressed in mg/l of P (phosphorus).

(32) "PRIVATE SEWAGE SYSTEM" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Wisconsin Department of Commerce including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by a special purpose district.

(33) PUBLICLY OWNED TREATMENT WORKS (POTW) A treatment works including any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial waste. The Systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the Municipality that owns and operates the facilities.

(34) PUBLIC SEWER shall mean any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

(35) REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

(36) REVENUES OF THE SYSTEM also include transfers of Tax Incremental Financing (TIF) funds and Special Assessment revenues and any future revenues constructed to affect said Municipality.

(37) SANITARY SEWAGE shall mean combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.

(38) SANITARY SEWER shall mean a sewer that carries sewage or wastewater.

(39) SEWAGE is the spent water of a person or community. The preferred term is "wastewater."

(40) SEWER shall mean a pipe or conduit that carries wastewater or drainage water.

(41) SEWER SERVICE CHARGE is a charge 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.

(42) SEWER SERVICE CHARGE SYSTEM shall have the same meaning as user charge system as referred to in Wis. Adm. Code Ch. NR 162.

(43) "SEWERAGE SYSTEM" means all facilities of the Village for collection, transportation, storage, pumping, treatment and final disposition of sewage. "Sewerage system" does not include any private sewage system, as defined in subs. (32) or any local sewer.

(44) "SHALL" is mandatory; "MAY" is permissible.

(45) 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 15 minutes, more than 5 times the average 24 hour concentration of flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment facility.

(46) 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.

(47) STORM SEWER OR DRAIN shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

(48) SUSPENDED SOLIDS (SS) expressed in mg/l 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.

(49) TKN (Total Kjeldahl Nitrogen) shall mean the sum of organic nitrogen and ammonia nitrogen.

(50) UNPOLLUTED WATER is water quality equal to or better than the effluent of the wastewater treatment facilities 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.

(51) VILLAGE shall mean the Village of Brownsville.

(52) WASTEWATER shall mean the spent water of a community or person. From the stand point of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

(53) WASTEWATER COLLECTION FACILITIES (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater.

(54) WASTEWATER TREATMENT FACILITY shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.

(55) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT, is a document issued by the State of Wisconsin which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

13.06 UTILITY SUPERINTENDENT.

(1) APPOINTMENT AND DUTIES. The Village Board shall appoint THE Utility Superintendent whose duties shall be to operate the physical properties of the utility, to read the meters and keep a record thereof, to keep a record of the operation of the utility such as is required by the state Board of Health, Public Service Commission or by the Village and to perform such other duties as shall from time to time be required of him by resolution or by motion of the Village Board. Said operations shall be conducted by and under the control and management of the president and the Board of trustees.

(2) SALARY AND AT WILL. The Village Board shall fix the salary for the utility superintendent which shall be ordered and paid out of the utility fund and may remove the superintendent with or without cause at any time. (Recr. fr. § 13.040.020 and .030)

13.07 UTILITY CLERK/TREASURER

(1) APPOINTMENT. The Village Board shall appoint a utility Clerk/Treasurer.

(2) The Utility Clerk/Treasurer's duty shall be to keep the books of the sewer and water utility, to compute the bills and accounts, to make collections of service charges for each of said utilities and to deposit the same at least once each month with the Village Clerk/Treasurer, which money shall be segregated and kept separately in the utility fund for each of the sewer and water utilities, and shall make a monthly report to the Village Board at its regular meeting, or at any other meeting by resolution designated therefore, of the receipts and disbursements of the utilities, and shall meet with the Village Board on such regular or specially designated meetings. All disbursements for each of the utilities shall be, by order of the Board, made out of the utility fund for such utility. (Was §13.04.040)

13.08 BONDS. All bond guarantees under the provision of § § 13.01(2), 13.06 and 13.07, shall run to the Village and shall be conditioned upon the faithful performance of the duties of the person giving such bond and a proper accounting by such person for all moneys received by reason thereof and shall be provided by the Village and charged to the utility fund. (Was §13.04.050)

13.09 EXTENSION OF MAINS.

(1) OUTSIDE VILLAGE LIMITS. No future extensions of sewer and water mains will be made outside of the corporate limits of the Village. If such area wishes such service it must be annexed to the Village.

(2) WITHIN VILLAGE. The Board of trustees of the Village shall have the authority to provide for and direct the installation of additional mains and laterals to the present sewer and water systems of the Village. (Was §§13.04.060 and .070)

13.12 USE OF PUBLIC SEWERS.

(1) SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(2) STORM SEWERS. Storm water and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority or other regulatory agencies, to a storm sewer, combined sewer, or natural outlet.

(3) PROHIBITIONS AND LIMITATIONS. It is the intent of this section to limit discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either 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 Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objective. The Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (c) Any waters or wastes having a pH lower than 5.0, or in excess of 9 .0, or having any other corrosive property capable of causing danger or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (e) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (f) Wastewater containing more than 25 mg/1 of petroleum oil, non-biodegradable cutting oils, fat, grease, or products of mineral oil origin.
- (g) Wastewater from industrial plants or commercial establishments containing more than 25 mg/1 of floatable oils, fat, or grease.
- (h) Any unground 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.
- (i) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and non-conventional pollutants to such degree that any such material received in the composite wastewater in concentration that exceeds levels specified by federal, state, and local authorities.
- (j) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approval Authority or limits established by any federal or state statute, rule or regulation.
- (k) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
- (l) 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.
- (m) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(n) 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 facility.
2. Unusual volume of flow or concentration of wastes constitution "slugs" as defined herein.
3. 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.)
4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
5. Incompatible pollutants in excess of the allowed limits as deemed by city, state, and federal laws and regulation in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

(4) **WPDES PERMIT.** No person shall cause or permit a discharge into sanitary sewers which would cause a violation of the Municipality's WPDES Permit and any modifications thereof.

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

(6) **NEW CONNECTIONS.** New connections to the Municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

Note: Sec. 13.12 is recreated and renumbered from Village ordinances Chapter 13.12, §§13.12.100 through 13.12.600.

13.13 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

(1) **SUBMISSION OF BASIC DATA.** The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Approving Authority, at such time as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers .

(2) **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Chapter 2, and which in the judgment of the Approving Authority have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

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

(3) **MANHOLES.**

- (a) Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including sanitary sewage.
- (b) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.
- (c) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at the person's expense, and shall be maintained by the person so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related **equipment** shall be approved by the Approving Authority prior to the beginning of construction.

(4) MEASUREMENT OF FLOW. The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records maintained by the Water Department or utility except as noted in sec. (5).

(5) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority 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 wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

(6) WASTE SAMPLING.

(a) 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 determination shall be made by the industry or commercial establishment as often as may be deemed necessary by the Approving Authority.

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

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

(7) PRETREATMENT.

(a) Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.

(b) In that event such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

(8) GREASE, OIL, AND SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be provided for all restaurants, commercial establishments engaged in food preparation, industrial users and when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials perform by owner's(s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) rules and regulations.

(9) ANALYSIS.

- (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" and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.
- (b) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.
- (c) However, when the Municipality has an agreement with an industry, the Municipality will determine the character and concentration of the wastes according to the terms and conditions of the agreement.

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

(11) SUBMISSION OF BASIC DATA.

- (a) Within three (3) months after passage of this Ordinance , each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater works.
- (b) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(12) ACCIDENTAL DISCHARGES. The accidental discharge of any prohibited waste into any sewer shall be reported to the Approval Authority 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.

(13) NEW CONNECTIONS. New connections to the Village of Brownsville sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities. Any proposed new connection to the sanitary sewer system shall be submitted and approved by the Approving Authority. Nothing herein shall commit the Village of Brownsville to make any additional connections or extensions to the wastewater collection facilities.

Note: Sec. 13.13 is *recreated and renumbered from Village ordinances Chapter 13.13, §§13.13.010 through 13.13.130.*

13.15 BASIS FOR SEWER SERVICE.

(1) SEWER USERS SERVED BY WATER UTILITY WATER METERS. There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, a service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

(2) SEWER USERS SERVED BY PRIVATE WELLS.

(a) If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the Water Utility, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the Water Utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, water meters will not be required. The water meters shall be furnished by the Water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

- (b) The Water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.

(3) DEDUCT METERS.

- (a) If a user feels that a significant amount of metered water does not reach the sanitary sewer, he can at his own expense, through the Approving Authority, install such additional meters or metered service as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges.

- (b) Requests to install additional meters must be made in writing to the Approving Authority.

Note: Sec. 13.15 is recreated and renumbered from Village ordinances Chapter 13.15, §§13.15.010 through 13.15.030.

13.16 AMOUNT OF SEWER SERVICE CHARGES.

(1) POLICY. It shall be the policy of the Village of Brownsville to obtain sufficient revenues to pay the costs of

- (a) the annual debt retirement payment, either existing or future, on any bonded indebtedness;
- (b) any required cash reserve account payment; and,
- (c) the operation and maintenance of the sewage works, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this Section.

(2) CHARGES. The following charges are imposed to maintain a proportionate distribution of operation, maintenance and replacement costs among users. The Village of Brownsville will apply excess revenues collected from a user class to operation, maintenance and/or replacement costs attributable to that class for the next year. Users will be notified annually of the portion of user charges attributable to wastewater treatment services.

(a) **Sewer Service Charge Unit Costs.** The unit costs for the sewer service charge are as follows:

	(Operat ion & nance		+ Debt Service = Total)
Volume:	\$0.91	+	\$0.92 = \$1.83
BOD:	\$0.91	+	\$0.92 = \$1.83
Suspended Solids:	\$0.045	+	\$ 0.45 = \$ 0.90

(b) **Category "A" Sewer Users Is As Follows:**

Fixed Quarterly Charge: \$45.00

Volume Charge: \$ 4.56/1,000 gal.

Volume Charge: \$ 4.02/1,000 gal. of metered water

(c) **Category "B" Sewer Service Charge.** The sewer service charge for Category "B" sewers users is as follows:

Fixed Quarterly Charge \$45.00

Volume Charge \$ 4.56/1,000 gal.

Surcharge:

BOD greater than 200 mg/l = \$ 1.83/lb.

Suspended Solids greater than 250 mg/l = \$ 0.90 lb.

(d) The Category "B" sewer service charge shall be computed in accordance with the formula presented below:

$T = FQ + (V \times CV) + .00834 V (V \times CB + S \times CS)$; Where:

T = Total sewer service charge

FQ = Fixed quarterly charge

B = Concentration of BOD in mg/l in the wastewater minus 200 mg/l.

S = Concentration of suspended solids in mg/l in the wastewater minus 250 mg/l.

V = Wastewater volume in 1,000 gallons

CV = Cost per 1,000 gallons

CB = Surcharge per pound of BOD

C3 = Surcharge per pound of suspended solids

.00834 = Conversion factor

(3) **REASSIGNMENT OF SEWER USERS.** The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs and other related information indicate a change of categories is necessary.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS.

- (a) All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in §13.05.(35) All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.
- (b) All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(5) DISPOSAL, OF SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE.

- (a) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Approving Authority. Written application for this permit shall be made to the Approving Authority and shall state the name and address of the applicant, the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. **The permit may be obtained upon payment of a fee of \$50 per calendar year.** The time and place of disposal will be designed by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted.
- (b) Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
- (c) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the Municipality and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand, or other solid material pass into any part of the wastewater collection and treatment facilities.

(d) Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater collection and treatment facilities shall be charged as follows:

Septic Tank Sludge:	\$ 73.00/1,000 gallons (\$ 54.60/100 cubic feet)
Holding Tank Sewage:	\$ 4.56/1,000 gallons (\$ 3.38/100 cubic feet)

(e) The person(s) disposing waste agrees to indemnify and hold harmless the Municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(6) CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Municipality's wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.

(7) TAX INCREMENTAL CHARGE.

(1) A tax incremental district charge is hereby imposed upon the Village for all costs of the sewage system (including debt service coverage ratio requirements imposed by a bond resolution) which are allocable to improvements undertaken within a tax incremental district of the Village. On or before the first Village Board meeting in October of every year, the utility superintendent shall compute the charge. The charge shall be computed by calculating an amount equal to the annual borrowings (including debt service coverage ratio requirements imposed by any bond resolution).

(2) The tax incremental district charge shall be billed to the Village on October 1 of each year for all obligations due during the subsequent year. The payment shall be due within 90 days of billing.

Note: Sec. 13.16 is recreated and renumbered from Village ordinances Chapter 13.16, §§13.16010 through 13.16. 070, and Ord No. 1998-7, September 1998.

13.17 BILLING PRACTICE.

(1) CALCULATIONS OF SEWER SERVICE CHARGES.

(a) Sewer service charges shall be computed according to the rates and formula presented in this Ordinance.

(b) All customers shall be charged for a minimum usage per quarter per billing unit. For the purpose of establishing such billing units, the same shall be made as follows:

Chapter 13

SEWERS AND WATER 13.17(1)(b)1.

1. Each residence shall be a unit. If the residence has an upstairs apartment or other rooms rented, and such a room or apartment has plumbing facilities, an additional unit shall be charged.
2. A tavern shall be one unit, and with living quarters an additional unit shall be charged.
3. Rest homes shall be computed as one unit for every five residents. Employees shall be counted in computing units.
4. In Laundromats, every two washers shall constitute a unit.
5. Each apartment shall be a separate unit.
6. All schools shall be computed as one unit for every twelve pupils, also faculty members and employees shall be counted in computing units.
7. Industrial establishments shall be computed as one unit for every ten persons employed.

(2) SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the Village to the sewer users either on a quarterly or monthly basis as may be determined by the Village Board.

(3) PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the Village for sewer service charges shall pay such charges within twenty (20) days after the billing date at the Village Hall.

(4) PENALTIES.

- (a)** Such sewer service charges levied by the Village against the sewer users in accordance with this Ordinance shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within twenty (20) days after it shall be due, it shall be deemed delinquent and may be placed on the tax roll and be collected as other taxes are collected.
- (b)** Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Note: Sec. 13.17 is recreated and renumbered from Village ordinances Chapter 13.17, §§13.17.010 through 13.17.040.

13.18 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.

(1) **RIGHT OF ENTRY.** The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing , all in accordance with the provisions of this Ordinance.

(2) **SAFETY.** While performing the necessary work on private premises referred to in subs. (1), the duly authorized Municipal employees shall observe all safety rules applicable to the premises established by the person.

(3) **IDENTIFICATION, RIGHT TO ENTER EASEMENTS.** The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Municipality 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 sewage works lying within said easements, all subject to the terms, if any, of such easement.

Note: Sec. 13.18 is recreated and renumbered from Village ordinances Chapter 13.18, §§13.18.010 through 13.18.030. The Village General Code also titled Chapter 13.19, "Sewer Construction and Connections" as Chapter 13.18. This recodification by LGRS corrects this designation and what were the provisions of this Chapter will be recreated and renumbered as sec. 3.19.

13.19 SEWER CONSTRUCTION AND CONNECTIONS.

(1) **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(2) **COST OF SEWER CONNECTION.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(3) **USE OF OLD BUILDING SEWERS.** Old building sewers may be used In connection with new buildings only when they are found, on examination and test by the Approving Authority, to meet all requirements for this Ordinance.

(4) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench shall all conform to the requirements of the Municipality's building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of practice No. 9 shall apply.

(5) **BUILDING SEWER GRADE.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(6) **STORM AND GROUNDWATER DRAINS.**

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

(b) All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 30 days of the date of an official written notice from the Approving Authority.

(7) **CONFORMANCE TO PLUMBING CODES.** The connection of the building sewer into the sanitary sewer shall conformed to the requirements of the building and plumbing code, or other applicable rules and regulations of the Municipality or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(8) **INSPECTION OF CONNECTION.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The Connection shall be inspected and approved by the Approving Authority.

(9) **BARRICADES: RESTORATION.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

Note: Sec. 13.19 is recreated and renumbered from Village ordinances Chapter 13.19, §§13.19.010 through 13.19.090.

13.20 VIOLATIONS AND PENALTIES.

(1) WRITTEN NOTICE OF VIOLATIONS. Any person found to be violating §§13.01 through 13.19, unless provided to the contrary, shall be declared a public nuisance and shall be served by the Municipality 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.

(2) ABATEMENT OF NUISANCE WITHOUT NOTICE. If the Approving Authority determines that a public nuisance exists within the Municipality and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or the person causing, permitting, or maintaining the nuisance, as the case may be.

(3) ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall in addition to a fine, pay the amount to cover any danger, both values to be established by the Approving Authority.

(4) VIOLATION AND PENALTIES.

- (a)** Surcharges levied in accordance with §§13.08 through 13.20 shall be a debt due to the Approving Authority and shall be a lien upon the property. If this debt is not paid within twenty days after it is due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the Approving Authority against the property owner, the person, or both. If delinquent payments are not received by November 1st of the calendar year, a ten percent charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15th, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.
- (b)** In the event of failure to Pay sewer service charges after they become delinquent, the approving authority shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose.
- (c)** The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and lien upon the property and may be recovered by civil action in the name of the approving authority against the property owner, the person, or both.

- (d) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, have been paid.
- (e) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(5) 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 \$1,000, 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 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(6) LIABILITY TO VILLAGE FOR LOSSES. Any person violating any provisions of this ordinance shall become liable to the Municipality for any expense, loss, or damage occasioned by reason of such violation which the Municipality may suffer as a result thereof.

Note: Sec. 13.20 is recreated and renumbered from Village ordinances Chapter 13.20, §§13.20.010 through 13.20.060.

13.21 APPEALS PROCEDURES. (Recr. and renum. from §13.21)

(1) Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within then (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 Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Village Board of Brownsville.

(2) A fee of \$50 shall accompany any appeal to the Village Board for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

(3) The written appeal shall be heard by the Village Board within 45 days from the date of filing. The Village Board shall make a final ruling on the appeal within 60 days from the date of filing.

13.22 VALIDITY.

(1) SUPERSEDING PREVIOUS ORDINANCES. This ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances of the Municipality.

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

(3) AMENDMENT. The Municipality, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

13.23 AUDIT, NOTIFICATION AND RECORDS. (Recr. and renum. fr. Ch. 13.23)

(1) BIENNIAL AUDIT. The Municipality shall review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system. Based on this review, the Municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

- (a)** Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
- (b)** Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities.
- (c)** Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

(2) ANNUAL NOTIFICATION. The Municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses, and debt service costs of the wastewater collection and treatment facilities. The notification shall occur in conjunction with a regular bill.

(3) RECORDS. The Municipality shall maintain records regarding wastewater flows and loading, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR, Subpart of the Clean Water Act.

13.235 EFFECTIVE DATE.

(1) **DATE OF EFFECT.** This Ordinance shall take effect and be in force from and after September 30, 1984.

(2) **Date of enactment (approval).** Passed and adopted by the Village Board of the Village of Brownsville in the County of Dodge, in the state of Wisconsin on the 10th day of October, 1984.

Note: Sec. 13.235 is recreated and renumbered from Village ordinances Chapter 13.235, §§13.235. 010 and. 020.

VILLAGE OF BROWNSVILLE

ESTIMATE OF ANNUAL OPERATING & MAINTENANCE COSTS FOR WASTEWATER TREATMENT FACILITY (PRELIMINARY)

ATTACHMENT "A"

(A) ELECTRICAL COSTS

Costs are based on using 135,000 Kw-hrs. per year for pumping, aeration, mixing, comminuting, lights and ventilation fans.

135,000 Kw-hrs x \$0.08/Kw-hr. = \$10,800

NATURAL GAS

Costs are based on using 78,950 cubic feet of natural gas per year for space heating.

78,950 CF/yr. x \$0.0057/ICF = 450

(C) MANPOWER & ADMINISTRATIVE COSTS

Cost based on one man half time (including benefits) plus one summer employee for maintenance. 2,000

Clerical and Administrative 1,000

(D) INDEPENDENT WASTEWATER TESTING 3,500

(E) EQUIPMENT REPLACEMENT FUND

(a)	Raw Sewage Pumps (2)-10 yrs / \$3,500 ea.	700
(b)	Comminutor (1)-10 yrs / \$2,000	200
(c)	Aeration Blowers (2) -10 yrs / \$4,500 ea.	450
(d)	Backwash Blower (1)-20 yrs / \$3,000 ea.	150
(e)	Backwash Pumps (2)-20 yrs / \$4,500 ea.	450

(f)	Tertiary Filters (1)-20 yrs / \$20,000 ea.	1,000
(g)	Chlorination System (1)-15 yrs / \$12,000 ea.	800
		\$3,750

(F) CHEMICALS

Costs include chemicals for chlorine analyzers, chlorine for ammonia removal and disinfection plus sulfur dioxide for dechlorination = 11,600

TOTAL = \$43,100

VILLAGE OF BROWNSVILLE

**WASTEWATER TREATMENT FACILITY
RATE DETERMINATION**

ATTACHMENT "B"

Design Characteristics:

Flow = 75,000 GPD

BOD = 100lb/day

SS = 100 lb/day

Service Costs	Flow	BOD	SS	Total
O & M Costs	\$15,740	\$15,740	\$7,870	-
Replacement	1,500	1,500	750	3,750
TOTALS	\$17,240	\$17,240	\$8,620	\$43,100
Unit Costs	0.63/1000 gal	\$0.47/lb	\$0.24/lb.	

13.24 WATER RATES.

(1) ESTABLISHED.

- (a) All persons now receiving water supply from the Village of Brownsville Water Department, or who may hereafter make application therefore, shall be considered as having agreed to be bound by rules and regulations as filed with the Public Service Commission of Wisconsin.
- (b) Service will be furnished only if 1. The premises have a frontage on a regularly platted street or public strip in which a cast iron or other long life water main has been laid.

2. The applicant has installed or agrees to install a service pipe from the curb line to the point of use laid not less than Six feet below the surface of an established or proposed grade and according to utility's specifications.

3. The premises have adequate piping beyond metering point.

(2) MUNICIPAL FIRE PROTECTION SERVICE: F-1.

- (a) For public fire-protection service to the Village of Brownsville, the annual charge shall be \$8,966.00 to cover the use of mains and hydrants up to and including the terminal hydrant and connection on each existing main.
- (b) For all extensions of fire-protection service, a charge of 28 cents per lineal foot of main shall be charged per annual on the basis of the length of main put into use between hydrants placed, plus a charge of \$40 net per hydrant added to the system after the base period.
- (c) This service shall include the use of hydrants for fire- protections service only and such quantities of water as may be deemed for the purpose of extinguishing fires within the municipal boundary only. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission shall apply.
- (c) The above base annual charge of \$8,966.00 includes an estimated 45,105 feet of distribution main, 4-inch and larger, and 80 hydrants.

(3) PUBLIC SERVICE: Mpa-1. Water service supplied to municipal building, schools, etc. shall be metered and the regular metered service rates applied.

(4) GENERAL SERVICE: METERED-URBAN Mg-1.

<u>Water service</u>	
<u>Minimum Charge Per -Quarter</u>	
One	<u>Customer on a Meter</u>
<u>Meter Size</u>	<u>Per Quarter</u>
5/8 and 3/4 -inch	\$ 7.00
1-inch	10.00
1 1/4-inch	13.00
1 1/2-inch	20.00
2-inch	35.00
2 1/2-inch	50.00
3-inch	65.00
4-inch	90.00
6-inch	125.00

Each additional customer on same meter--\$1.00 per quarter

OUTPUT CHARGES

<u>Gallons Used Per Quarter</u>		<u>Per M. Gals.</u>
First	30,000	1.30 per M gallons
Next	170,000	1.00 per M gallons
Over	200,000	.90 per M gallons

- (a) **Billing** : Bills for service shall be due and payable March 31, June 30, September 30, and December 31 for the preceding 3 months. When bills are not paid within 20 days after same become due, a penalty of 3 percent will be added except a minimum charge of 30c shall apply. If not paid by the 20th of the month following the due date, service will be discontinued upon 8 days written notice. A reconnection charge will be made for restoring service. All bills remaining unpaid after the period above described shall become a lien upon the premises receiving the service and be collected as a special tax in the next annual tax roll pursuant to the provisions of §66.06(11)(b), Wis. Stats. If meter cannot be read, bill will be estimated on previous readings.
- (b) **Sewer Charge**. Sewer charges will be \$4.02 per 1,000 gallons of metered water for ordinary sewage and a fixed quarterly sewer charge of \$45.00 for the waste water treatment plant. Sewage of unusual volume, concentration or character shall be charged for at special rates, deemed by the Village Board. The rules for collection of water bills shall also pertain to sewage service charges. Those who take sewer service only will be charged \$21.35 per quarter.

- (c) **Meters.** Meters will be furnished and placed by the utility and are not to be disconnected or interfered with by the customer. All meters shall be so located that they will be easily accessible for reading and inspection, such location to be designated by the superintendent. The customer shall at his own expense provide the proper connection for the meter. For basement installations a short nipple shall be inserted after the stop and waste cock, than a union and then another nipple and coupled of proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the superintendent (he may require a horizontal run of 18 inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (d) **Dual Service Prohibited.** Each customer has to have his own meter and no dual service shall be given from the sane meter unless authorized by the Village Board.
- (e) **Water Supply Turned On By Authorized Personnel Only.** The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.

(5) **GENERAL SERVICE: METERED-SUBURBAN Mg-2.** Water customers residing outside the corporate limits of the Village of Brownsville shall be billed at the regular rates for service (Schedule Mg-1) plus a 25% surcharge.

(6) **BUILDING AND CONSTRUCTION WATER SERVICE Mz-1.**

- (a) For single-family and small commercial buildings apply the quarterly service charge (Mg-1) for the size of meter to be installed.
- (b) For large commercial industrial or multiple apartment buildings, a temporary metered installation shall be made and general, metered rates (Mg-1) applied.

(7) **PRIVATE FIRE PROTECTION SERVICE: UNMETERED Upf-1.**

- (a) Service for private fire protection shall consist of unmetered connections to the main for automatic sprinkler system standpipe, (where sane are connected permanently or continuously to the mains) , and private hydrants.

(b) **Quarterly demand charges for private fire protection service shall be as follows:**

Size of Connection	Quarterly charge
2 inch	\$ N/A
3 inch	N/A
4 inch	N/A
6 inch	N/A
8 inch	N/A

TO BE DETERMINED AS AND WHEN NECESSARY

- (c) The same billing provisions apply as apply for general service.
- (d) Combined service charges shall be determined as follows: Where a four inch or larger connection is made to the main for private fire protection service, such service line may be tapped with a smaller size branch line for general service. This small branch line shall be metered and the water therefrom billed at the regular metered rates, Schedule Mg-1. The charge for private fire protection service will be that applicable to the size of connection to the main as stated in the schedule contained in par. (b). Where "X" equals the unmetered private fire protection quarterly charge applicable to the size of connection, and "Y" is the quarterly minimum charge for general service, the quarterly charge for private fire protection service shall be determined as and when necessary.

(8) APPLICATION FOR SERVICE. Application for water service must be made at the Clerk/Treasurer's office. Application for water service shall be made in writing on a form furnished by the water department. The application will contain a legal description of the property to be served, name of applicant, the use to be made of service and such other information as the utility may require.

Note: Sec. 13.24 is recreated and renumbered from Village ordinances Chapter 13.24, §§13.24.010 through 13.24.080.

13.28 UTILITY SERVICE LATERAL REPAIRS.

(1) WATER SERVICE LATERAL REPAIRS. It shall be the responsibility of the water utility to repair and maintain water service laterals from the main to, and inclusive of the curb stop and box. It shall be the responsibility of the property owner to repair and maintain the water service lateral from the curb stop to, and exclusive of the meter, including valves.

(2) SEWER SERVICE LATERAL REPAIRS. It shall be the responsibility of the property owner to repair and maintain the sewer service lateral from the building to the center of the street, whether the repair is necessitated because of plugging of the pipe, breaking, or heaving or settling of the pipe from the proper grade. It shall be the responsibility of the sewer utility to repair and maintain sewer laterals from the center of the street to the main, in those cases where the main lays on the opposite side of the center of the street from the building. Responsibility for repair of curb and gutter, sidewalk and street paving broken in the process of repairing laterals shall fall to the party responsible for repairing the lateral.

(3) THAWING FROZEN SERVICES.

(a) Frozen services shall be thawed out by and at the expense of the utility unless freezing was caused by contributory fault or negligence by the customer such as reduction of grade, improperly installed customer service pipe, etc.

- (b) Following the freezing of a service, the utility shall take such steps and issue such instructions as may be necessary to prevent re-freezing. No charge will be made for re-thawing if instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing the customer must make provisions for proper disposal of the waste water. The charge for water will be adjusted to allow a credit for water allowed to run as a result of utility instructions.

(4) REPAIRING METERS.

- (a) Meters will be repaired by the water department and the cost of such repairs caused by ordinary wear and tear will be borne the utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent, or tenant, or from the negligence of anyone of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or by the owner of the premises.

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

(6) FAILURE TO READ METERS.

- (a) Where the utility is unable to read a meter after two successive tries, the fact will be plainly indicated on the bill, the minimum charge applied and the difference adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
- (b) If the meter fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use was not normal. If the average use cannot be properly used, the bill will be estimated by some equitable method.

(7) RECONNECTION CHARGE.

(a) The minimum service, period shall be one year unless otherwise specified by special contract or in the applicable rate schedule. Where a customer at his request has been disconnected prior to expiration of his minimum contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same or some other location, a reconnection charge of \$3.00, payable in advance, shall be collected. The minimum contract period is renewed with each reconnection.

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

(8) TEMPORARY METERED SUPPLY.

- (a) An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit of not less than \$15.00 for each meter installed. The charge for setting the valve and furnishing and setting the meter will be \$5.00 so that of the \$15.00 deposit, \$10.00 will be available to pay for the waste used at the scheduled rates.
- (b) Where no other supply is available, permission may be granted by the superintendent to use a hydrant after such hydrant is equipped with a sprinkling valve. A charge of \$2.00 will be made for setting the valve or moving it and a \$2.00 deposit will be required for the hydrant wheel and reducer. In not case shall any valve be placed or moving except by a member of the water department. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.
- (c) All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or from the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor and the return of the wheel and reducer.

(9) OPERATION OF VALVES AND HYDRANTS. Any person who shall, without authority of the superintendent, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to a fine of not less than \$10.00 or more than \$100.00. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle and the water department will not be responsible for the damage to the motor vehicle by reason of such accident.

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

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

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

(13) HANDLING WATER MAIN AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.

- (a)** Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- (b)** Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any Consumer for a period exceeding six hours.

(14) SETTLING MAIN OR SERVICE TRENCHES. Trenches in streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve inches of backfill has been placed and then the trench shall be kept flooded until the remainder of the back fill has been put in.

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

(16) NO CLAIMS FOR DAMAGES. No person shall enter a claim for damages against the Village of Brownsville as a water utility, or any officer thereof, for damage to any pipe, fixture, or appurtenances by reason of interrupted water supply, or variation of pressure, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the water supply for the extension, alteration, or repair of any water main or premises supply, or for the discontinuance of the premises water supply for the violation of any rules or regulations of the Village of Brownsville Water department. No claims will be allowed against the city or Village, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency, and no claims shall be allowed for any damage caused by the breakage of any pipe or machine.

(17) VIOLATIONS AND PENALTIES.

- (a) Surcharges levied in accordance with §§13.08 through 13.235 shall be a debt due to the approving authority and shall be a lien upon the property. If this debt is not paid within twenty days after it is due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the approving authority against the property owner, the person, or both. If delinquent payments are not received by November 1st of the calendar year, a ten percent charge shall be added to delinquent bills. **Thereafter, if payment is not received prior to November 15th,** the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.
- (b) In the event of failure to pay sewer service charges after they are delinquent, the approving authority shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose.
- (c) The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a lien upon the property and may be recovered by civil action in the name of the approving authority against the property owner, the person, or both.
- (d) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, have been paid.
- (e) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Note: Sec. 13.28 is recreated and renumbered from Village ordinances Chapter 13.28, §§13.28.010 through 13.28.170.

13.32 CROSS CONNECTION CONTROL.

- (1) **PURPOSE.** To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system.
- (2) **DEFINITION.** A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (3) **PROHIBITED.** No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Village may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25(3), Wisconsin Administrative Code.
- (4) **INSPECTIONS.** It shall be the duty of the water superintendent to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspection based on potential health hazards involved shall be as established by the water superintendent and as approved by the Wisconsin Department of Natural Resources.
- (5) **RIGHT OF ACCESS.** Upon presentation of credentials, the water superintendent shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.122, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (6) **DISCONNECTION AND REFUSAL OF SERVICE.** The water superintendent is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to such property shall not be restored until the cross connection(s) has/have been eliminated in compliance with the provisions of this ordinance.

(7) NOTICE OF DISCONNECTION OF SERVICE: EMERGENCIES. If it is determined by the water superintendent that a cross connection or an emergency endangers public health, safety or welfare and required immediate action and a written finding to that effect is filed with the Clerk/Treasurer of the Village and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.

(8) COMPATIBILITY WITH STATE PLUMBING CODE. This ordinance does not supercede the state Plumbing Code, but is supplementary to it.

Note: Sec. 13.32 is recreated and renumbered from Village ordinances Chapter 13.32, §§13.32.010 through 13.32.080.

13.36 PRIVATE WELL ABANDONMENT.

(1) PURPOSE. To prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells must be properly filled and sealed.

(2) COVERAGE. All private wells located on any premises which is served by the public water system of the Village shall be properly filled and sealed. Only those wells for which a well operation permit has been granted by the Village Clerk/Treasurer may be exempted from this requirement; subject to conditions of maintenance and operation.

(3) WELL OPERATION PERMITS. A permit may be granted to a well owner operate a well for a period not to exceed five years if the following requirements are met. Application shall be made on forms provided by the Village Clerk/Treasurer.

- (a)** The well and pump installation meet the requirement of Chapter NR 112, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the private Water Supply Section of the Department of Natural Resources.
- (b)** The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by three samplings two weeks apart.

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(c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

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

(4) METHODS. Wells to be abandoned shall be filled according to the procedures outlined in Chapter NR 112, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(5) REPORTS AND INSPECTIONS. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by the agency, available at the *office* of the Village Clerk/Treasurer. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the Village.

(6) PENALTIES. Any person, firm or other well owner violating any provision of this ordinance shall upon conviction thereof be subject to the provisions set forth in Chapter 25, of this Code.

Note: *Sec. 13.36 is recreated and renumbered from Village ordinances Chapter 13.36, §§13.36.010 through 13.36.160.*