

Title 9 ► Chapter 2

Sewer Utility Regulations and Rates

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Article A: Sewer Use

Sec. 9-2-1 Definitions.

- (a) Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:
- (1) **Agency.** The authority empowered to adopt this Article and any board or commission empowered to enforce the terms of this Article.
 - (2) **Biochemical Oxygen Demand (BOD₅).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees C. (20°) Celsius, expressed in milligrams per liter.
 - (3) **Building Drain.** The lowest horizontal piping of a drainage system which receives the discharge from waste drainage pipes inside the building and conveys the same to the building sewer.
 - (4) **Building Sewer.** The extension from the building drain beginning at the immediate outside foundation wall to its connection with the sanitary sewer or other place of disposal.
 - (5) **Commercial User.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.
 - (6) **Commercial Wastewaters.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
 - (7) **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria as identified in the Agency's WPDES Permit.
 - (8) **DNR.** The State of Wisconsin Department of Natural Resources.
 - (9) **Domestic Wastewater.** Water-carried wastes in the amount of approximately fifty (50) gallons per capita per day containing less than three hundred (300) mg/l BOD₅ and less than three hundred (300) mg/l suspended solids, consistent with that emanating from a typical household.
 - (10) **Garbage.** Solid wastes from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage, and sale of produce.
 - (11) **Industrial User.** Any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary wastes and which is identified in the "Standard Industrial Classification Manual, 1972, Office of Management and Budget", as amended and supplemented under one of the following divisions:
 - a. Division A: Agriculture, Forestry and Fishing;
 - b. Division B: Mining;
 - c. Division D: Manufacturing;
 - d. Division E: Transportation, Communications, Electric, Gas, and Sanitary Services;

e. Division I: Industrial Services.

- (12) **Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade, or business including, but not limited to, all Standard Industrial Classification Manual Class D manufacturers as distinct from domestic wastewater.
- (13) **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (14) **Person.** Any individual, firm, company, association, society, corporation, or group.
- (15) **pH.** The negative logarithm of the hydrogen ion concentration, in moles per liter of solution.
- (16) **Properly Shredded Garbage.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (17) **Public Sewage Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the Agency.
- (18) **Private Sewage System.** A system comprised of a septic tank and effluent absorption area designed for the purpose of processing sewage.
- (19) **Residential User.** Those places of residence which are connected to the public wastewater collection system as distinct from industrial or commercial wastewater.
- (20) **Sanitary Sewer.** A pipe or conduit (owned and maintained by the Agency) which carries sewage.
- (21) **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- (22) **Sewage Treatment Plant.** Any arrangement of devices and structures used for treating sewage.
- (23) **Shall** is mandatory; **May** is permissive.
- (24) **Slug.** Any discharge of sewage or industrial 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) hours concentration or flows of the user during normal operation.
- (25) **Standard Industrial Classification Manual.** Office of Management and Budget, 1972.
- (26) **Standard Methods.** *Standard Methods for the Examination of Water and Wastewater*, American Public Health Association, Washington, D.C., latest edition.
- (27) **Storm Drain** (sometimes termed "storm sewer"). A sewer which carries storm and surface waters and drainage, but excludes sewage.
- (28) **Superintendent.** The Superintendent of the Agency or his/her authorized deputy, agent or representative.
- (29) **Suspended Solids.** Solids that are filterable and in suspension in the liquid; the quantity being determined by the filterable residue test as described in "*Standards Methods for the Examination of Water and Wastewater*".

- (30) **Users.** Those residential, commercial, governmental, institutional and industrial establishments which are connected to the public sewer collection system.
- (31) **Unaltered Water.** Waters which are not changed chemically or physically as a result of use.
- (32) **WPDES.** The Wisconsin Pollution Discharge Elimination System.
- (33) **Water course.** A channel in which a flow of water occurs, either continuously or Intermittently.
- (34) **Wastewater.** See "sewage".

Sec. 9-2-2 Connection to Sanitary Sewers Required.

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited any sewage on the ground surface of any public or private property within the jurisdiction of the Agency.
- (b) It shall be unlawful to discharge any sewage to any natural outlet within the jurisdiction of the Agency and any discharge to a natural outlet must be in accordance with the Wisconsin Pollution Discharge Elimination System.
- (c) Except as provided for in Section 9-2-3, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage
- (d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the jurisdiction of the Agency and abutting on any street, alley, or right-of-way in which there is located a sanitary sewer, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer collection system in accordance with the provisions of this Article, within one hundred eighty (180) days after date of official notice by the Superintendent of the Agency to do so.
- (e) If the owner of such dwelling or other building used for human habitation shall fail, neglect or refuse to make such connection within one hundred eighty (180) days of the notice of requirement to do so has been served upon him/her, the Property Committee of the Village Board, or other appropriate body, shall direct such connection to be made, and the cost of so doing shall be assessed as a special tax against the real estate, and shall be collected in the same manner as other taxes.
- (f) "The owners of the dwellings in the area affected by the Final Resolution authorizing County Trunk P Sanitary Sewer Extension Project and Levying Special Assessments Against Benefitted Property under Sec. 66.60 of the Wisconsin Statutes, adopted by the Village Board on June 17, 1999, notwithstanding the provisions in subparagraph (d) and subparagraph (e) of this subsection, shall have until September 1, 2009, to make connection to the municipal sewer utility system."

Sec. 9-2-3 Private Sewage Disposal.

- (a) Where a sanitary sewer is not available, the building sewer shall be connected to a private sewage system complying with the following provisions of this Section.

- (b) Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Agency which the applicant shall supplement by any plans, specifications and/or other information as are deemed necessary by the Superintendent. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid at the time the application is filed.
- (c) A permit for a private sewage system shall not become effective until the installation is completed and approved by the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Superintendent.
- (d) The type, capacity, location and layout of a private sewage disposal system shall comply with Ch. H 82, Wis. Adm. Code.
- (e) At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in Section 9-2-2(d), a direct connection shall be made to the sanitary sewer in compliance with this Article and any septic tanks, cesspools and similar private sewage facilities shall be abandoned in accordance with Ch. H 82, Wis. Adm. Code.

Sec. 9-2-4 Building Sewers and Connections.

- (a) No unauthorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the Superintendent.
- (b) (1) There shall be two (2) classes of building sewer permits:
 - a. For establishments producing only domestic wastewaters including residences, institutions, public facilities, and commercial establishments; and
 - b. For service to establishments producing industrial wastewater.
- (2) In either case, the owner or his/her representative shall make application on a special form furnished by the Agency. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid at the time the application is filed.
- (c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Agency from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewage

system is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.
- (f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of Ch. 82, Wis. Adm. Code.
- (g) 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 sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to H 82, Wis. Adm. Code.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly into a sanitary sewer.
- (i) The connection of the building sewer into the sanitary sewer shall conform to the requirements of Subsection (f) above.
- (j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Agency.

Sec. 9-2-5 Use of the Sanitary Sewers.

- (a) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or any other unaltered water to any sanitary sewer.
- (b) The Agency reserves the right to refuse or accept any or all industrial wastewaters from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system.
- (c) No person shall discharge or cause to be discharged any of the following described fluids or solids into the public sewer collection system:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive fluid or solid.
 - (2) Any fluids or solids containing toxic or poisonous elements in sufficient quantity, either singly or by interaction with other elements, to injure or interfere with any

sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant such as, but not limited to, circuit etching waste or plating wastes.

- (3) Any fluids or solids having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage treatment plant.
 - (4) Fluids or solid substances in quantities or of such size as to cause obstruction to the flow in sanitary sewers, or other interference with the proper operation of the sewage treatment plant such as, but not limited to, ashes, cinders clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (d) No person shall discharge or cause to be discharged the following specifically described substances, materials, fluids, or solids which may harm sanitary sewers, sewage treatment processes and equipment, have an adverse effect on the receiving stream, or may otherwise endanger life, limb, public property, or constitute a nuisance with the specific written permission of the Superintendent. Such permission is subject to termination at any time upon written notice. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers, materials of construction of the sanitary sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any fluid having a temperature higher than one hundred fifty degrees Fahrenheit (150°F).
 - (2) Any liquid containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit (32°F) and one hundred degrees Fahrenheit (100°F).
 - (3) Any garbage that has not been properly shredded or solid material having any dimension greater than one-half (1/2) inch. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.
 - (4) Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceed the limits which are established for such materials. Unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction, the following concentrations in mg/l shall not be exceeded on a grab sample basis.

Arsenic	0.50	Lead	0.2
Barium	4.00	Mercury	0.002
Cadmium	0.01	Nickel	2.0
Chromium	0.6	Selenium	0.004
Copper	1.0	Silver	0.1
Cyanide	0.05	Zinc	1.0

- (5) Any fluid or solid containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, or as are established by the state, federal, or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a state or federal regulatory agency having jurisdiction, the concentration of phenol shall not exceed 0.005 mg/l on a grab sample basis.
 - (6) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations.
 - (7) Any liquids having a pH lower than 6.0 or in excess of 9.0.
 - (8) Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, clays, lime slurries, and lime to the treatment processes).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD₅, chemical oxygen demand or chlorine requirements in such quantities in excess of that found in domestic sewage.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 9-2-1, or which interfere with proper plant operation.
 - (9) Fluids or solids containing substances which are not treatable by the sewage treatment processes employed, or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
- (e) (1) If any sewage is discharged, or proposed to be discharged to the public sewer collection system which contains the substances or possess the characteristics enumerated in Subsections (c) and (d), and which in the judgment of the Superintendent may have a deleterious effect upon the sewage treatment works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may in writing:
- a. Reject the wastes;
 - b. Require pretreatment to an acceptable condition prior to discharge to the sanitary sewers;
 - c. Require flow equalization of the rate of discharge; and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by sewer charges under the provisions of the sewer use charge.
- (2) If the Superintendent permits the pretreatment or equalization of waste flows, plans and specifications for such facilities shall be submitted by the owner to the DNR for review and approval.
- (f) Grease and oil separators and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquids containing grease in excessive amounts, or any flammable fluids, sand, or other harmful ingredients, except that such interceptors and separators shall not be required for private living quarters or

dwelling units. All separators and interceptors shall be of a type and capacity approved by the DNR and/or Division of Health, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (g) Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory condition and effectively operated by the owner at his/her expense.
- (h) The owner of any industry discharging industrial wastewaters constituting less than ten percent (10%) of any one of the sewage treatment plant design parameters of volume, BOD₅, and suspended solids shall install a suitable control manhole in accordance with Ch. H 82.04(4)(i), Wis. Adm. Code. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- (i) The owner of any industry discharging industrial wastewater in excess of ten percent (10%) of the design capacity of the sewage treatment plant for either volume, BOD₅, or suspended solids shall install a special control manhole. The special control manhole shall be approved by the DNR and the Agency prior to installation. The special control manhole shall consist a manhole on the discharge line with a volume measuring device and a separate structure for housing volume recording instruments and an automatic proportional sampler. The sample shall automatically (in proportion to volume) collect samples of the waste. The Agency shall record volume and operate the automatic sampler on such occasions as deemed necessary to develop a basis for service charges. The owner shall design, construct, operate and maintain the special control manhole at his/her expense. The Agency shall record, sample, test and analyze at the Agency's expense. The location and access to the special control manhole shall be as provided for in Ch. H 82.04(4)(i), Wis. Adm. Code.
- (j) Special control manholes may be required by the Agency should the industrial wastewater contain a fluid or solid not reflected by volume, BOD₅, or suspended solids.
- (k) All measurements, tests, and analyses of the characteristics of fluids and solids to which reference is made in this Chapter 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, et al. The control manhole shall be considered to be the most representative location in the sewage flow system of the premise.
- (l) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Agency and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Agency for treatment, subject to payment therefor, by the industrial concern provided the agreement is not in conflict with the intent or rates established by this or other applicable ordinance.
- (m) The Agency shall have the right at its discretion, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the jurisdiction of the Agency. In the event a contract is made, a user of any sewer serving property wholly or partly outside the

jurisdiction of the Agency shall be subject to all of the terms and provisions of this Article, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges and expenses as would be imposed upon and paid by a user located within the jurisdiction of the Agency.

Sec. 9-2-6 Penalties.

- (a) Any person found to be violating any provision of this Article shall be served by the Agency 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 violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in Subsection (a) shall be guilty of a misdemeanor, and on conviction thereof shall be subject to a forfeiture in the amount of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this Article shall become liable to the Agency for any expense, loss, or damage occasioned the Agency by reason of such violation. The Agency shall be held harmless as a result of any expense, loss, or damage incurred as a result of a violation to this Article.
- (d) This Article shall not invalidate any more restrictive state or federal regulations.

Sec. 9-2-7 Exemptions.

Exemptions to any part of this Article may be granted by the Agency upon request, by a user or potential user of the system. The Agency reserves the right to require submittal of any information which is deemed necessary to rule on such requests.

Sec. 9-2-8 through Sec. 9-2-19 Reserved for Future Use.

Article B: Sewer User Charge System

Sec. 9-2-20 Definitions.

- (a) Unless the context specifically indicates otherwise the meaning of terms used in this Article shall be as follows:
- (1) **Act.** The Clean Water Act (33 U.S.C. 1251 et seq., as amended).
 - (2) **Agency.** The Village Board, acting as the governing board of the Village sewer and water utilities, and any board, commission or committee designated by it to administer and enforce the terms of this Article.
 - (3) **Biochemical Oxygen Demand (BOD₅).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C.), expressed in milligrams per liter.
 - (4) **Commercial User.** Any place of business which discharges sanitary waste as distinct from industrial wastewater.
 - (5) **Commercial Wastewaters.** Domestic wastewater emanating from a place of business as distinct from industrial wastewater.
 - (6) **DNR.** The State of Wisconsin Department of Natural Resources.
 - (7) **Debt Service Charge.** A charge levied on users of a sewage treatment plant for the cost of repaying money bonded to construct said plant.
 - (8) **Domestic Wastewater.** Water-carried wastes in the amount of approximately fifty (50) gallons per capita per day containing not more than three hundred (300) mg/l BOD₅ and not more than two hundred fifty (250) mg/l suspended solids, consistent with that emanating from a typical household.
 - (9) **Grant.** Federal and/or state financial assistance for the construction of improvements to the public sewer collection system and/or sewage treatment plant.
 - (10) **Grantee.** The local agency which receives a grant.
 - (11) **Industrial User.** Any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:
 - a. Division A: Agriculture, Forestry and Fishing;
 - b. Division B: Mining;
 - c. Division D: Manufacturing;
 - d. Division E: Transportation, Communications, Electric, Gas, & Sanitary Services;
 - e. Division I: Industrial Services.
 - (12) **Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade, or business, including but not limited to, all Standard Industrial Classification Manual Class D manufacturers as distinct from domestic wastewater.

- (13) **Operation and Maintenance Costs.** Expenditures for the sewage treatment plant to provide the performance for which the plant was constructed. The term "operation and maintenance" includes replacement.
- (14) **Person.** Any individual, firm, company, association, society, corporation, or group.
- (15) **Public Sewer Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the agency.
- (16) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage treatment plant to maintain the capacity and performance for which such plant was designed and constructed.
- (17) **Residential User.** Those places which are connected to the public wastewater collection system as distinct from industrial or commercial wastewater.
- (18) **Sanitary Sewer.** A pipe or conduit (owned and maintained by the Agency) which carries sewage.
- (19) **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.
- (20) **Sewage Treatment Plan.** Any arrangement of devices and structures used for treating sewage.
- (21) **Sewer Service Charge.** A charge levied on users of a sanitary sewer to maintain said sewer in operational condition.
- (22) **Shall** is mandatory; **May** is permissive.
- (23) **Slug.** Any discharge of sewage or industrial 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 of the user during normal operation.
- (24) **Standard Industrial Classification Manual.** Office of Management and Budget, 1972.
- (25) **Suspended Solids.** Solids that are filterable and in suspension in the liquid; the quantity being determined by the filterable residue test as described in "*Standard Methods for the Examination of Water and Wastewater*".
- (26) **Suspended Solids.** Solids that are filterable and in suspension in the liquid; the quantity being determined by the filterable residue test as described in "*Standard Methods for the Examination of Water and Wastewater*".
- (27) **User Charge.** A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works under Sections 204(b)(1)(A) and 201(h)(2) of the Act and this Article.
- (28) **User Charge System.** A system based on estimated use of wastewater treatment services where each user (or user class) pays its proportionate share of operation and maintenance (including replacement) costs of treatment works within the grantee's

service area, based on the user's proportionate contribution to the total wastewater loading from all users (or user classes). To insure a proportional distribution of operation and maintenance costs to each user (or user class), the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.

- (29) **Users.** Those residential, commercial, institutional and industrial establishments which are connected to the public sewer collection system.
- (30) **Wastewater.** See "sewage".
- (31) **Wastewater Service Charge.** Total of the charges for Debt Service Charge, Operation and Maintenance Costs and sewer service charge.

Sec. 9-2-21 Sewage Service Charges.

- (a) The purpose of this Section is to establish the basis for reasonable charges for the cost of collecting and treating domestic and industrial wastewaters.
- (b)
 - (1) Two classes of wastewater charges shall be established as follows:
 - a. Domestic wastewater.
 - b. Industrial wastewater.
 - (2) Domestic wastewater shall include wastewater from commercial, institutional, public and residential sources. Such charges shall be assessed quarterly by the Agency. Said charges shall be reviewed to determine their adequacy to offset operation, maintenance and capital costs annually. Accordingly the Agency reserves the authority to adjust such charges annually to assure their continued adequacy.
- (c)
 - (1) The charges for "domestic wastewater" will be based on metered water volume and shall consist of a Debt Service Charge, Operation and Maintenance Charge, Sewer Service Charge, Replacement Charge, and a minimum charge (combined debt service charge and operation and maintenance charge). The amount of such charges shall be set from time to time by the Agency in accordance with applicable law.
 - (2) Where a public water supply is not available, and a private water supply is used, water usage shall be determined as follows:
 - (3) Volume of Domestic Water Usage:

Total Domestic Metered Water Volume

Total Number of Metered Domestic Users

- (4) The Agency shall reserve the right to require a meter for any user, public or private.
- (d) Should the industrial wastewaters contain a fluid or solid not reflected by volume, BOD or suspended solids, special charges shall be determined on a case-by-case basis. These charges shall reflect the costs and difficulties associated with treating that specified wastewater.

- (e) Sampling of industrial wastewaters may be made on a regular basis or as needed to verify the charges.
- (f) Each new Class D industry shall file with the Superintendent an initial written statement for each separate connection to the system giving the daily volume, surge rate, peak rate, pounds of suspended solids and pounds of BOD₅ of the wastewater. Initial charges shall be developed on the basis of this statement.
- (g) Changes in operations or use shall be reported by the owner and it shall be his/her sole responsibility to have such changes made to the original statement to remain in compliance with this Article.
- (h) The Superintendent may sample and test at any time any industrial wastewater discharge to verify the accuracy of any statement filed by an owner. The costs of any test shall be at the expense of the Agency.

Sec. 9-2-22 Service Charge Determination.

- (a) The intent of this Section is to establish the method for recovering operation and maintenance costs invested by the Agency on behalf of the industrial user.
- (b) The Agency shall maintain annual operational and maintenance costs allocated for volume, BOD₅, and suspended solids. The Agency shall adjust the charge for operation and maintenance annually to reflect cost increases and decreases. Operational and maintenance costs for the public sewer collection system shall be allocated to such industry on volume only and shall only apply to that portion of the public sewer collection system used by that industry.
- (c) Industrial users, whose wastewater discharge is at a strength greater than domestic wastewater, shall pay an additional charge for operation and maintenance. The amount of surcharge for BOD₅ and suspended solids shall be determined based on the following formula:

$$C_m = [B_c(B) + S_c(s)] \quad (8.34) \quad (V_u)$$

- Where:
- C_m = Amount of surcharge, always greater than zero
 - B = BOD₅ discharged in mg/l minus 300 mg/l
 - S = Suspended Solids discharged in mg/l minus 300 mg/l
 - B_c = Unit operating cost attributable to BOD₅ in cents per pound
 - S_c = Unit operating cost attributable to suspended solids in cents per pound
 - V_u = Wastewater Volume for the billing period in million gallons

- (d) "C_m" shall be the total annual charge made to the industry. The Agency shall invoice the industry a minimum of once per year. Shorter invoicing periods may be established.

- (e) The total annual operation and maintenance cost shall include a depreciation allowance and may be increased by an amount up to ten percent (10%) of the total as an estimated factor to allow for increased costs during the year of the changes.
- (f) If there is any change in the volume, BOD₅, or suspended solids characteristics by the industry, the industry's share of operation and maintenance costs shall be adjusted accordingly.

Sec. 9-2-23 Service Contracts.

Where individual industrial wastewaters constitute a substantial portion of either the volumetric or organic capacity of the sewage treatment facilities, a service agreement between the industry and the Agency may be executed. Such service agreements shall be required where the industrial wastewaters emanating from an industry contains either thirty percent (30%) or more of the design BOD₅, thirty percent (30%) percent or more of the design volume or thirty percent (30%) of the design suspended solids to the sewage treatment plant. Such agreement shall assure continued participation in capital costs by the industry over the life of the agreement. Should the industry eliminate their discharge, the Agency, at its option, may elect to assign to another user that portion of design capacity and associated capital costs thereby relieving the industry of continued financial participation.

Sec. 9-2-24 Powers and Authority of Inspectors.

- (a) The Superintendent and other duly authorized employees of the Agency bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or sewage treatment facilities.
- (b) While performing the necessary work on private properties referred to in Subsection (a), the Superintendent or duly authorized employees of the Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Agency's employees and the Agency shall indemnify the company against loss or damage to its property by Agency employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe condition.
- (c) The Superintendent and other duly authorized employees of the Agency bearing proper credentials and identification shall be permitted to enter all private properties for the

purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage collection system. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Article and the Sewer Use Article of this Chapter.

Sec. 9-2-25 Penalties.

- (a) **Penalties.** Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past-due notice shall be issued to the billed party. The past-due notice shall contain an additional charge to cover the costs of the rebilling. Additional delinquent notices including their respective charges shall be sent at eight (8) and twelve (12) weeks after the billing date. Should a bill still be delinquent after one hundred twenty (120) days, the Agency may elect to take the following action:
- (1) **Lien.** Whenever wastewater treatment bills or capital surcharge bills become delinquent, the same shall become and constitute a lien upon the real estate to which sewer service is supplied. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:
- a. A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;
 - b. The amount of money due for such sewerage service; and
 - c. The date or dates when such amount or amounts became delinquent.
- If all amounts shown due remain unpaid after recording as provided by State Statutes, the Agency may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estates.
- (2) **Civil Action.** In the alternative of levying a lien, the Agency may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the Agency in filing the civil action. Such attorney's fees shall be fixed by order of the court.
- (b) **Interest.** In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of twelve percent (12%) per annum.
- (c) **Permit Revocation.** The Agency reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or surcharge bills become delinquent.

Sec. 9-2-26 Sewer User Rates.

The following are the sewer user rates for the Village of Elmwood, effective the 1st day of December, 2012:

(a) **Metered Customers.**

Monthly service charge: Eighteen Dollars (\$18.00)

Volume Charge: Five Dollars and seventeen cents (\$5.17) per one thousand (1,000) gallons.

(b) **Unmetered Customer.**

Seventeen Dollars and twenty cents (\$17.20) per month.

Sec. 9-2-27 Sewer Connection Fee/Charge.

(a) **Connection Fee/Charge.**

The Sewer hook-up charge shall be \$1600.00. The cost of the installation of lateral lines from the sewer main shall be the sole responsibility of the User.