



# Town of Sheboygan Sanitary District No. 2 Sewer

## Sewer Use and Sewer Service Charge Ordinance

Enacted 11.16.2015

Section 6.06(g) Revised 1-18-2021  
Section 6.06(g) Revised 11-16-2020  
Section 7.02 – 7.05 Revised 2-17-2020  
Section 6.06(c) & (g) Revised 12-17-2018  
Section 10.14 Revised 8-20-2018  
Section 7.06 Revised Annually Based off of the City of Sheboygan's Rate Change

## **NOTICE**

Please take notice that the Commissioners of the Town of Sheboygan Sanitary District No. 2, Sheboygan County, Wisconsin, have adopted a code of ordinances titled Sewer Use and Sewer Service Charge Ordinance, ordinance number 10192015, enacted November 16, 2015. The ordinance contains the following sections:

Section 1	Title
Section 2	Definitions
Section 3	Public Sewers Required
Section 4	Prohibited Practices
Section 5	Industrial Pretreatment Program
Section 6	Categories of Users
Section 7	Sewer Service Charges
Section 8	Billing Practice
Section 9	Right of Entry, Safety, and Identification
Section 10	Sewer Construction and Connections
Section 11	Miscellaneous
Section 12	Violations, Abatement Procedures and Penalties
Section 13	Validity
Section 14	Records, Audit and Notification
Section 15	Effective Date

**Section 1**

**Title**

1.01 Title; Sewer Use and Sewer Service Charge Ordinance.

An ordinance regulating the use of public and private sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; and levying and collection of sewer service charges, in the Town of Sheboygan Sanitary District No. 2, County of Sheboygan, State of Wisconsin.

1.02 Preamble.

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

B. It is the obligation of the producers of industrial wastes to defray the cost of extraordinary services rendered by the Town of Sheboygan Sanitary District No. 2 in an equitable manner and, insofar as it is practicable, in proportion to benefits derived.

C. The Town of Sheboygan Sanitary District No. 2 has contracted with the City of Sheboygan to treat its sewage and the Town of Sheboygan Sanitary District No. 2 has agreed to establish and adopt necessary rules and regulations or ordinances at least in conformity with City ordinances.

D. Proper protection and operation of the collection and treatment facilities may require either the exclusion, pre-treatment, or controlled discharge at point of origin of certain types or quantities of industrial wastes.

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## **Section 2**

## **Definitions**

### **2.01 BOD.**

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with Chapters NR 218 and NR 219, Wisconsin Administrative Code.

### **2.02 Building Drain.**

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

### **2.03 Building Sewer.**

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal (also called house connection).

### **2.04 Category A Users (Single Unit Residential, Commercial, Schools).**

Category A sewer users are lots, parcels, buildings or premises consisting of single unit residential, commercial, and schools having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater and that have individually metered water service connections to the Town of Sheboygan Sanitary District No. 3 (Water) utility.

### **2.05 Category B Users (Multiple Unit Residential, Nursing Homes, Assisted Living and Other Uses).**

Category B sewer users are multiple unit residential, nursing homes, assisted living or other use buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that have water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility, but, do not have individually metered water service.

### **2.06 Category C Users (Residential Units Without Metered Water Service Including Town of Sheboygan Falls and Bains, Inc. Manufactured Home Park).**

Category C sewer users are residential units, lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that do not have metered water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility.

Category C users include properties located in the Town of Sheboygan Falls that have been annexed to the Town of Sheboygan Sanitary District No. 2 including the Bains, Inc. manufactured home park.

#### 2.07 Category D Users (Industrial).

Category D users are lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge BOD, suspended solids, or phosphorus concentrations in excess of the limits for normal domestic strength wastewater. "Category D" is defined as wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorous no greater than 4.2 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category D.

#### 2.08 Category E Users (Properties Located Within City of Sheboygan).

Category E sewer users are lots, parcels, buildings or premises located within the municipal boundaries of the City of Sheboygan having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater.

#### 2.09 Chlorine Requirement.

Chlorine Requirement shall mean the amount of chlorine, in milligrams per liter (mg/l), which must be added to sewage to produce residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

#### 2.10 City.

City shall mean the City of Sheboygan.

#### 2.11 City Approving Authority.

City approving authority means designated officials of the City.

#### 2.12 City Wastewater Collection Facilities.

City wastewater collection facilities (or City wastewater collection system) shall mean the City sewer systems, structures, and equipment required to collect and carry away wastewater, which are owned, operated, and maintained by the City.

#### 2.13 Combined Sewer.

Combined sewer shall mean a sewer intended to receive both wastewater and stormwater or surface water.

2.14 Compatible Pollutants.

Compatible pollutants shall mean BOD, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the City's wastewater treatment facility receiving the pollutants, if the facility was designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

2.15 District.

District shall mean the Town of Sheboygan Sanitary District No. 2.

2.16 District Approving Authority.

District approving authority shall mean the President, Director of Public Works or other authorized representatives of the District.

2.17 District Commission.

District Commission is the sovereign governing body of the District.

2.18 District Wastewater Collection Facilities.

District wastewater collection facilities (or District wastewater collection system) shall mean the District's sewer system, structures, equipment, and processes required to collect and carry away wastewater, which are owned, operated, and maintained by the District.

2.19 Easement.

Easement shall mean an acquired legal right for the specified use of land owned by others.

2.20 Floatable Oil.

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

2.21 Garbage.

Garbage shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

## 2.22 Ground Garbage.

Ground garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

## 2.23 Incompatible Pollutants.

Incompatible pollutants shall mean wastewater with pollutants that will adversely affect or disrupt the operation and maintenance of the wastewater collection facilities or the quality of wastewater treatment if discharged to a wastewater treatment facility.

## 2.24 Industrial Waste.

Industrial waste means the wastewater from industrial process, trade or business as distinct from sanitary sewage.

## 2.25 Major contributing industry means an industry that:

A. Has a process flow of 25,000 gallons (3,342 cubic feet) or more per average workday;

B. Has a process flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;

C. Has a material in its discharge included on a list of toxic pollutants issued under W.S.A., State Statute 147.07(1); or

D. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

## 2.26 Municipal Approving Authority.

Municipal Approving Authority shall mean the duly authorized representatives of the municipality.

## 2.27 Municipal Wastewater Collection Facilities or Municipal Wastewater Collection System.

Municipal wastewater collection facilities or municipal wastewater collection system shall mean the municipal sewer systems, structures, equipment and processes required to collect and carry away wastewater. These municipal wastewater collection facilities are owned, operated and maintained by the municipalities and extend to the effluent point of each of the municipal metering stations.

2.28 Municipality.

Municipality shall mean the communities and sanitary districts that are served by the City interceptor sewers or City wastewater treatment plant.

2.29 Natural Outlet.

Natural outlet shall mean any outlet, including storm sewers and combined sewer overflow, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

2.30 Normal Domestic Strength Wastewater.

Normal domestic strength wastewater shall mean wastewater with concentrations of BOD no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorus no greater than 4.2 mg/l.

2.31 Operation and Maintenance Costs.

Operation and maintenance costs include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

2.32 Parts per Million.

Parts per million shall be a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

2.33 Person.

Person shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

2.34 pH.

pH shall mean the logarithm of the reciprocal of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

2.35 Phosphorus.

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



2.36 Public Sewer.

Public sewer shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

2.37 Replacement Costs.

Replacement costs shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance expenses include replacement costs.

2.38 Sanitary Sewage.

Sanitary sewage shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

2.39 Sanitary Sewer.

Sanitary sewer shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

2.40 Sewage.

Sewage means the spent water of a community; the preferred term is "wastewater" as defined in this section.

2.41 Sewer.

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

2.42 Sewer Service Charge.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses, as well as operating and maintenance costs of the facilities. (The term "user charge", which covers operation and maintenance and replacement costs, is a part of the sewer service charge.)

2.43 "Shall" is mandatory; "May" is permissible.

#### 2.44 Slug.

Slug shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

#### 2.45 Standard Methods.

Standard methods shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

#### 2.46 Storm Sewer or Drain.

Storm sewer or drain shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

#### 2.47 Stormwater Runoff.

Stormwater runoff shall mean that portion of the rainfall that is drained into the sewers.

#### 2.48 Suspended Solids.

Suspended solids means solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering, as prescribed in Standard Methods for Examination of Water and Wastewater, and that are referred to as non-filterable residue.

#### 2.49 Unit Charge Equivalent (UCE).

Unit charge equivalent (UCE) shall be the average amount of wastewater discharged by a single-family living unit. One UCE is assumed to equal 210 gallons per day computed at 3 average per capita unit at 70 gallons per capita day with pollutant concentrations of BOD no greater than 165 mg/l, suspended solids no greater than 214 mg/l, and total phosphorus no greater than 4.2 mg/l.

#### 2.50 Unpolluted Water.

Unpolluted water is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

2.51 User Charge.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

2.52 Wastewater.

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

2.53 Wastewater Collection Facilities.

Wastewater collection facilities (or wastewater collection system) shall mean the City and District wastewater collection facilities.

2.54 Wastewater Treatment Facility.

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

2.55 Watercourse.

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

2.56 Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.

Wisconsin pollutant discharge elimination system (WPDES) permit is a document issued by the Wisconsin State Department of Natural Resources which established effluent limitations and monitoring requirements for the City's wastewater treatment facility. WPDES Permit No. WI-0025411 and modifications thereof pertain to the City's wastewater treatment facility.

### **Section 3**

### **Public Sewers Required**

#### **3.01 Use of Public Sewer Required.**

##### **A. Connection.**

The owner of all houses, buildings, or properties used for human occupancy, recreation, or other purposes, situated within the District and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary sewer of the District, or is accessible through an easement to any such sewer is hereby required at the owner's expense to install suitable toilet facilities and to connect any facilities discharging sanitary sewage and/or industrial wastes to the proper public sewer. The connection shall be made directly to the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of the official notice to connect.

##### **B. Health Standard.**

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

#### **3.02 Disposition of Old Septic Tanks.**

See Section 10.13 of this Ordinance.

#### **3.03 Failure to Connect – Health Hazard.**

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

#### **3.04 Failure to Connect.**

Upon the failure of the owner to connect and in addition to any other penalties demanded by the District, the District, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to the owner failing to make connection to the sewer system for an amount equal to one hundred fifty (150%) percent of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be a lien upon the property, and taxed and collected pursuant to Sections 66.0821 and 66.0809 of the Wisconsin Statutes.

3.05 New Connections.

New connections to the District sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

## **Section 4**

### **Prohibitive Practices**

#### **4.01 Disposal Into Lake or Streams Prohibited.**

Every owner of property within the District from which domestic or industrial sewage or waste is being discharged through a sewer or otherwise into any lake or stream shall make such sewer installations and connections with the District sewer system so as to cause the sewage or waste to flow into the District sewer system.

#### **4.02 Disposal Onto Public Ways and Gutters Prohibited.**

No person shall permit any drain or sewer from a dwelling house, barn, stable, garage, shop or other building upon the premises owned or occupied by him to discharge into any open sewer or gutter or upon or over any public street, sidewalk or alley.

#### **4.03 Unlawful Connections to Building Sewer; Disconnection Required Upon Notice.**

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

B. All downspouts or groundwater drains connected directly or indirectly to a sanitary sewer shall be disconnected.

C. Any violation of this section shall subject the violator to a forfeiture of not less than \$10.00 or more than \$100.00, together with the costs of prosecution, and, in default of payment thereof, to imprisonment in the County jail until such costs and forfeiture are paid, but not to exceed 60 days. Each day of violation or noncompliance shall constitute a separate offense.

#### **4.04 Unauthorized Work.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenances thereof without first obtaining a written permit from the District.

#### **4.05 Liability for Cost of Installation and Connection.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the person. Such person shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

#### 4.06 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 District plumbing inspector, to meet all requirements of this ordinance.

#### 4.07 Materials and methods for construction.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

#### 4.08 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.

#### 4.09 Inspection Prior to Connection to Public Sewer.

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

#### 4.10 Standards for Connection.

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the District or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the District approving authority before installation.

#### 4.11 Protection of Excavations; Restoration of Property.

A. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.

B. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District approving authority.

#### 4.12 Sanitary Sewers.

A. Limitations on discharges. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the District approving authority.

B. Inspections for illegal connections. District personnel, the plumbing inspector or other designated representatives will make inspections throughout the District of all stormwater and clear water drain connections to sanitary sewers and illegal downspout connections. Violations will be reported to the Director of Public Works.

#### 4.13 Discharges To Storm Sewers Restricted.

Stormwater, other than that exempted under Section 4.12, 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 District approving authority and other regulatory bodies. Unpolluted industrial cooling waters or process waters may be discharged, on approval of the District approving authority, to a storm sewer, combined sewer or natural outlet.

#### 4.14 Prohibitions and Limitations on Discharges.

A. Except as provided in subsection B. of this Section, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
3. Any waters or wastes having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.
4. Any waters or wastes having a pH in excess of 12.0.
5. 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.

B. The following described substances, materials, waters or wastes shall be limited in 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, limb, public property or constitute a nuisance. The District approving authority may set limitations lower than the limitations established in this subsection if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the District 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 to handle the waste at the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of wastes or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the District approving authority are as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 200 mg/l of total oil and grease, including, but not limited to, petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.
6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the District approving authority.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District approving authority in compliance with applicable state or federal regulations.

8. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

9. Any waters or wastes which, by interaction with other waters or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

10. Materials which exert or cause:

(a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(b) Unusual volume of flow or concentration of wastes constituting slugs, as defined in this article.

(c) Unusual concentrations of inert suspended solids, such as, but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium sulfate.

(d) Excessive discoloration, such as but not limited to dye wastes and vegetable tanning solutions.

(e) Incompatible pollutants in excess of the allowed limits as determined by city, state and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

C. The District shall comply with all the appropriate requirements of the City of Sheboygan's WPDES Permit No. WI-0025411 and of all modifications thereof. No discharge shall be allowed into the sanitary sewer that is in violation of the requirements of the WPDES permit and the modifications thereof.

#### 4.15 Submission of Data Relative to Quantity and Characteristics of Industrial Wastes; Extension of Time.

A. Each person who discharges industrial wastes to a public sewer shall prepare and file with the City of Sheboygan and the District approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be provided at a time specified by the City or District approving authority.

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 City and the District approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

C. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by this section, a request for extension of time may be presented to the City and District approving authority for consideration.

#### 4.16 Conditions for Handling Discharges of Above Normal Strength.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in section 4.14, and which, in the judgment of the City or District approving authority, have a deleterious effect upon the sewer works, processes, equipment or receiving waters or which otherwise create a hazard to life or health or constitute a public nuisance, the City or District 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

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under section 4.24.

#### 4.17 Control Manholes.

A. Required. Each person discharging industrial wastes into a sanitary sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.

B. Location and construction. Control manholes or access facilities shall be located and built in a manner acceptable to the City and District approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the City and District approving authority.

C. Responsibility for installation and maintenance. Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible

and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the City and the District approving authority prior to the beginning of construction.

#### 4.18 Waste sampling.

A. Collection of samples. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made for the industry every four years, beginning in 1986. Additional sampling and analyses shall be required for significant changes in the industry's operation. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City and District approving authority. 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.

B. Responsibility for sampling facilities. 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 superintendent of the wastewater treatment plant and the District's DPW. Access to sampling locations shall be granted to the superintendent of the wastewater treatment plant and the District's DPW or their authorized representatives at all times.

C. Analysis of samples. Samples shall be analyzed for BOD, total suspended solids, total phosphorus, and all potential contaminants. Results from all analyses shall be submitted to the wastewater treatment plant superintendent and the District DPW.

#### 4.19 Preliminary Treatment.

Where required, in the opinion of the City or the District approving authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.

#### 4.20 Submission of Information Prior to Commencement of Construction of Pretreatment Facilities.

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the City and District approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

#### 4.21 Grease and Sand Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City or District approving authority, that they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 4.14 B. 3., 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 City and District approving authority and shall be located so as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner 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 City and District approving authority. Disposal of the collected materials performed by the owner's personnel or licensed waste disposal firms must be in accordance with acceptable Department of Natural Resources (DNR) practice.

#### 4.22 Analyses.

A. Standards for determinations. 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 Chapter NR 219, Wisconsin Administrative Code. Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the City approving authority.

B. Basis for charges. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent, as designated and required by the City approving authority. The City approving authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges and industrial cost recovery charges.

#### 4.23 Right of Entry.

A. The City and the District approving authority or other duly authorized employees of the City or the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with this ordinance and Wis. Stat. § 66.0119. The City or District approving authority or other duly authorized employee of the City or District shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or wastewater treatment facilities.

B. While performing the necessary work on private premises referred to in subsection A. of this section, the duly authorized City or District employees shall observe all safety rules applicable to the premises established by the person.

C. The City or District approving authority or other duly authorized employees of the City or the District bearing proper credentials and identification shall be permitted to enter all private properties through which the City or District holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within such easement, all subject to the terms, if any, of such duly negotiated easement.

#### 4.24 Special Arrangements.

No statement contained in this ordinance shall be construed as prohibiting any special agreement between the City and/or the District 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 because of the admission of such wastes and no extra costs are incurred by the City or the District without reimbursement by the person, provided that all rates and provisions set forth in this ordinance are recognized and adhered to.

**Section 5**

**Industrial Pretreatment Program**

5.01 City of Sheboygan Industrial Pretreatment Program Ordinances Adopted.

Provisions of the City of Sheboygan, Wisconsin, Municipal Code, Chapter 122 entitled Utilities, defining and describing regulations for the use and discharge of wastewater to the City of Sheboygan publicly owned treatment works (POTW), exclusive of any provisions relating to fees and penalties, are hereby adopted by reference and made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by the City Code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the City Code incorporated herein, including repeal and re-enactment, are intended to be made a part of this Ordinance in order to secure uniform regulation and operation of the POTW. The following specific City of Sheboygan Municipal Code provisions are hereby adopted and enacted by reference:

- A. Article VI, Division 1., entitled "Generally," Sections 122-226 to 122-255.
- B. Article VII, Division 1., entitled "Generally," Sections 122-466 to 122-510.
- C. Article VII, Division 2., entitled "Administration," Sections 122-511 to 122-550.
- D. Article VII, Division 3., entitled "Fees," Sections 122-551 to 122-580.
- E. Article VII, Division 4., entitled "Reporting," Sections 122-581 to 122-600.

5.02 Control Authority.

The control authority of the POTW as designated by the City of Sheboygan is hereby authorized by the Town of Sheboygan Sanitary District No. 2 to administer, implement, and enforce the provisions of the Industrial Pretreatment Program as adopted and enacted by this Ordinance.

## **Section 6**

### **Categories of Users**

#### **6.01 Category A Users (Single Unit Residential, Commercial, Schools).**

Category A sewer users are lots, parcels, buildings or premises consisting of single unit residential, commercial, and schools having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater and that have individually metered water service connections to the Town of Sheboygan Sanitary District No. 3 (Water) utility.

#### **6.02 Category B Users (Multiple Unit Residential, Nursing Homes, Assisted Living and Other Uses).**

Category B sewer users are multiple unit residential, nursing homes, assisted living or other use buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that have water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility, but, do not have individually metered water service.

#### **6.03 Category C Users (Residential Units Without Metered Water Service Including Town of Sheboygan Falls and Bains, Inc. Manufactured Home Park).**

Category C sewer users are residential units, lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater that do not have metered water service from the Town of Sheboygan Sanitary District No. 3 (Water) utility. Category C users include properties located in the Town of Sheboygan Falls that have been annexed to the Town of Sheboygan Sanitary District No. 2 including the Bains, Inc. manufactured home park.

#### **6.04 Category D Users (Industrial).**

Category D users are lots, parcels, buildings or premises having a connection to the Town of Sheboygan Sanitary District No. 2 wastewater collection system that discharge BOD, suspended solids, or phosphorus concentrations in excess of the limits for normal domestic strength wastewater. "Category D" is defined as wastewater having concentrations of biochemical oxygen demand greater than 147 mg/l, suspended solids greater than 201 mg/l, and phosphorous greater than 4.2 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category D.

#### **6.05 Category E Users (Properties Located Within City of Sheboygan).**

Category E sewer users are lots, parcels, buildings or premises located within the municipal boundaries of the City of Sheboygan having a connection to the Town of



Sheboygan Sanitary District No. 2 wastewater collection system that discharge normal domestic strength wastewater.

#### 6.06 UCE Formulas

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

<u>Classification</u>	<u>Formula</u>
(a) Single Resident	One unit
(b) Duplex	Two units
(c) Multi-dwelling Apartments and condominiums	One unit for the first dwelling unit in a building, plus one-half (1/2) unit for each additional dwelling unit within a single building with a maximum of not more than five (5) additional units per building.
(d) General Business	One unit per 25 employees
(e) Shopping Center	One unit per 4,000 sq. ft. of floor space
(f) Super Market	One unit per 4,000 sq. ft. of floor space
(g) Motel	$\text{Units} = \frac{\text{bed space} \times \% \text{ of occupancy}}{8}$
1. With Laundry	$\text{Units} = \frac{\text{bed space} \times \% \text{ of occupancy}}{6}$
(h) Bowling Alley with Bar	0.50 units per alley
(i) Service Station or Garage	One unit
(j) Country Club	One unit per 25 members
(k) School	
1. With Meals Served	One unit per 15 students
2. With Meals & Showers	One unit per 12 students
(l) Churches	One unit
(m) Tavern	$\text{Units} = \frac{\text{Capacity}}{40}$
(n) Restaurants	
1. Standard Restaurant	$\text{Units} = \frac{\text{Seating Capacity}}{13}$
2. Drive-in or Short Order	$\text{Units} = \frac{\text{Seating Capacity}}{45}$
3. Restaurant with One Bar	$\text{Units} = \frac{\text{Seating Capacity}}{10}$
4. Restaurant with Two Bars	$\text{Units} = \frac{\text{Seating Capacity}}{8}$
5. Restaurant with Three Bars	$\text{Units} = \frac{\text{Seating Capacity}}{7}$

(o) Other Cases To be determined by District Commissioners

(p) Additions and Land Use Changes to Existing Connected Properties.

In the event the land use of an existing residence or structure which has previously been assigned a UCE rating by the Commission is changed without expanding or enlarging the footprint of the existing residence or structure and the new land use does not in the discretion of the Commission or its engineers materially change the quantity or quality of the wastewater to be discharged from the property then no additional UCE will be assigned. In the event a land use change is likely to result in a material change in the quantity or quality of wastewater to be discharged or is accompanied by the construction of an additional structure or a material expansion of an existing structure, then an additional UCE rating will be calculated pursuant to the UCE formulas set forth above and an additional connection fee may be assessed.

## **Section 7            Sewer Service Charges**

### **7.01 Basis of Charges.**

#### **A.     Service charge for wastewater treatment for metered customers.**

There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system a wastewater treatment service charge based in part on a fixed charge and in part on the quantity (volume) of water used, as measured. The fixed charge is calculated by dividing the District operating budget without estimated revenues from any real property tax levied by the District, connection fees, and without estimated expenses for City of Sheboygan treatment charges, by the number of District sanitary sewer connections. The fixed charge may be adjusted by the Commission as it deems necessary to provide for adequate cash flow to operate the wastewater collection system. The volume charge is calculated by multiplying the measured water usage of each customer by the per gallon wastewater treatment charge assessed to the District by the City of Sheboygan. The per gallon charge is calculated by dividing the annual estimated cost of service allocated to the District by the City of Sheboygan to operate the Sheboygan Regional Wastewater Treatment Plant (WWTP) by the number of gallons of wastewater, as estimated by the City of Sheboygan, to be transmitted to the WWTP by the District.

#### **B.     Service charge for wastewater treatment for unmetered customers.**

There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system not metered or served by the Town of Sheboygan Sanitary District No. 3 (Water) utility a wastewater treatment service charge based in part on a fixed charge, as described in paragraph A, and in part a volume charge based on a three year residential average of all homes served by such water utility.

#### **C.     Deduct meters.**

If a user feels that a significant amount of metered water does not reach the sanitary sewer system due to lawn or garden watering, etc., they may, at their own expense, with the approval of the DPW, install a second meter or an additional metered service that would monitor this flow. Charges for sewer use would be made based on the difference between the two meter readings, if only a second meter is installed, and on actual water metered for sewer use if an additional metered service is installed. Requests for a second meter or metered service must be made in writing to the District.

#### **D.     Surcharge Calculations.**

The Category D sewer service surcharges for volume, BOD, suspended solids and phosphorus shall be computed in accordance with the formula adopted in City of

Sheboygan municipal code section 122-403(b)(3) which is adopted and incorporated herein by reference.

7.02 Category A Sewer Service Charge (Metered Residential).

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

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.001300 per gallon.

7.03 Category B Sewer Service Charge (Metered Multi-Family Residential).

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

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.0025 per gallon of metered water usage divided by the number of dwellings or units contained in each building.

7.04 Category C Sewer Service Charge (Non-Metered).

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

- A. Fixed charge of \$27.00 per quarter per connection.
- B. Volume charge of \$0.0013 per gallon multiplied by the three-year residential average metered water usage of all homes served by the Town of Sheboygan Sanitary District No. 3 (Water) utility.

7.05 Category D Sewer Service Charge (Industrial).

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

- A. Fixed charge of \$27.00 per quarter.
- B. Volume charge of \$0.0025 per gallon.
- C. Surcharge at rates periodically established by the City of Sheboygan, which are currently as follows, total per pound:
  - 1. BOD greater than 165 mg/l, charge of \$0.2186.
  - 2. Suspended solids greater than 214/mg/l, charge of \$0.1680.
  - 3. Phosphorus greater than 4.2 mg/l, charge of \$4.7384.

7.06 Category E Sewer Service Charge.<sup>1</sup>

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

- A. Fixed charge of \$46.00 per quarter.
- B. Volume charge of \$2.1600 X 25 (100 Cu. Ft.) = \$54.00 per quarter.

Total Cost Per Quarter \$100.00/UCE.

7.07 Connection Charges.

A. A connection charge shall be assessed for each new and substantially separate building that has or will have a connection to the wastewater collection system. The District shall assign each new building a UCE rating pursuant to section 6.06 of this ordinance. The connection charge shall be calculated by multiplying the UCE rating by \$2,000.00. Multi-dwelling apartment and condominium developments containing more than one building per lot or parcel shall be assessed a connection fee at the rate of \$2,000.00 per building. The connection charge shall be due and payable before the issuance of a building permit/plumbing permit for the building.

B. In the event the land use of an existing building or structure which has previously been assessed a connection charge is changed without expanding or enlarging the footprint of the existing building or structure and the new land use does not in the discretion of the Commission or its engineers materially change the quantity or quality of the wastewater to be discharged from the property then no additional connection charge will be assigned. In the event a land use change is likely to result in a material change in the quantity or quality of wastewater to be discharged or is accompanied by the construction of an additional structure or a material expansion of an existing structure, then an additional UCE rating will be calculated and an additional connection fee may be assessed.

7.08 Reassignment of Sewer Users.

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

7.09 Operation, Maintenance, and Replacement Fund Accounts.

The replacement fund revenues shall be maintained in a separate account by the District to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account, for authorized use, only with the approval of the Commission.

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<sup>1</sup> Ordinance is amended yearly based off the City of Sheboygan's sewer charge rate adjustments.

7.10 Disposal of Septic Tank Waste.

No person shall discharge any septic tank sludge, holding tank sewerage, or hauled wastewater into any public or private sewer located within the District. Disposal of septic tank sludge, holding tank sewerage, or hauled wastewater shall only be allowed at the Sheboygan Regional Wastewater Treatment Plant in strict compliance with all City of Sheboygan ordinances, rules, and charges.

7.11 Toxic Pollutants Prohibited.

No person shall discharge any toxic pollutants into any public or private sewer located within the District. All industrial waste discharged to the wastewater collection system shall be in strict compliance with section 5 of this ordinance and the City of Sheboygan industrial pretreatment program as set forth in articles VI and VII of the City of Sheboygan municipal code.

## **Section 8**

### **Billing Practice**

#### **8.01 Calculation of Sewer Service Charges.**

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

#### **8.02 Sewer Service Charge Billing Period.**

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

#### **8.03 Payment of Sewer Service Charges.**

All persons billed by the District for sewer service charges shall pay such charges within twenty (20) days after the billing date at the Sanitary District Office.

#### **8.04 Penalty.**

A. A late payment charge of three percent (3%), but not less than thirty cents (\$.30) will be added to bills not paid within twenty (20) days of issuance. This one-time three percent (3%) late payment charge will be applied only to any unpaid balance for the current billing period's usage. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued and, unless payment or satisfactory arrangement for payment is made within eight (8) days, service may be disconnected.

B. In the event a utility customer fails to pay sewer service charges after they become delinquent, the District shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the District and a lien upon the property which may be recovered by civil action in the name of the District against the property owner, the person, or both. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.

C. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

#### **8.05 Lien on Property.**

All charges established by this Ordinance shall be a lien upon the property served pursuant to Wisconsin Statue §§ 66.0821 (4) (d) and 66.0809, as amended, and shall be collected in the manner therein provided.

#### 8.06 Obligation for Payment

The property owner shall be liable for the sewer service charge bill and the unpaid bill shall remain a lien against the property serviced until paid in accordance with this Ordinance. Upon failure to make payment within the time specified, all such delinquent charges with interest will be placed on the next succeeding tax roll.



## **Section 9**

### **Right of Entry, Safety, and Identification**

#### **9.01 Right of Entry.**

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

#### **9.02 Safety.**

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

#### **9.03 Identification. Right to Enter Easements.**

The District Approving Authorities or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District hold easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater collection facilities lying within said easement, all subject to the terms, if any, of such easement.

## **Section 10**

## **Sewer Construction and Connections**

### **10.01 Permission Required.**

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

### **10.02 Classes of Permits and Fees.**

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the District Approving Authority. An inspection fee for all permits issued shall be paid to the District at the time the application is filed. Said fees shall be determined by the District Commission.

### **10.03 Cost of Sewer Connection.**

All costs and expenses required for the installation, connection, maintenance and repair of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance and repair of the building sewer.

### **10.04 Separate Sewers.**

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 sewer 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.

### **10.05 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 District Approving Authority, to meet all requirements of this Ordinance.

### **10.06 Materials and Methods of Construction.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling

the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Sheboygan or of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

#### 10.07 Building Sewer Elevation.

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

#### 10.08 Storm and Groundwater Drains.

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts, groundwater drains or other sources of surface runoff or groundwater connected directly or indirectly to a sanitary sewer must be disconnected within sixty (60) days of the date of an official written notice from the District Approving Authority. Violations of this section may result in forfeitures and penalties as provided by section 4.03 of this code.

#### 10.09 Connection to Sanitary Sewer.

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Town of Sheboygan or of the District, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the District Approving Authority.

#### 10.10 Inspection of Connection.

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

#### 10.11 Barricades; Restoration.

All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

#### 10.12 Marker Required.

Upon completion of the installation and connection, the said applicant or his agent shall install or insert into the earth at the property line and flush with the ground surface a valvco tracer wire access box with locating wires attached directly over the building sewer.

#### 10.13 Private Sewage Systems Abandonment.

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

A. Permits. All persons, firms or corporations abandoning private sewage systems shall pay a fee according to Appendix A and shall obtain a private sewage system abandonment permit from the District.

B. Procedure. When any private sewage system is abandoned, it shall have its contents removed and shall be immediately filled with sand, gravel, or similar material. As an alternative to the above filling, the entire system may be removed. A system shall be deemed abandoned if the building which it serviced is razed and no new structure is intended to be constructed to replace such building structure within a period of 60 days, unless expressly extended there from by the Commission.

#### 10.14 Abandonment of Building Sewer (Sewer Service Lateral).<sup>1</sup>

A. Disconnection. No person, firm or corporation shall raze a structure or any part of a structure which has been connected to the District's sewer system without first obtaining a permit from the District; and

1. Engaging a licensed master plumber to properly abandon and disconnect the building sewer (sewer service lateral) at the sewer main.

2. Disconnection shall include capping the building sewer with materials approved by Chapter SPS 384 of the Wis. Admin. Code at the entrance to the District's system at the sewer main to prevent materials and liquids from entering the system, except if the building sewer will be reconnected to a building within twelve months of the disconnection.

B. Reconnection. Before reconnection, a regular plumbing permit shall be required and if the existing building sewer is to be used, the building sewer (sewer service lateral) from the building to the sewer main shall be thoroughly cleaned and inspected for leaks or necessary repairs or replacement.

<sup>1</sup> Amended by Ordinance 2-2018 on August 20, 2018.

Appendix A  
(to Section 10 – Permits)

1. Permit fees

A. Disconnection permits (10.14) \$15.00

B. Private interceptor permit \$30.00

C. Plumbing permit

(1) Minimum permit \$15.00

Assumes one inspection only-  
\$15.00 would be charged for  
each additional inspection

(2) Regular permit

I. Existing house - \$ 2.50 per fixture plus \$10.00 (water heater  
or water softener (unless replacing) is not included as a  
fixture.

II. New house – minimum permit fee - \$45.00 or \$2.50 per  
fixture plus \$10.00 whichever is higher (water heater and  
softener included as fixture)  
(3 inspections are contemplated. Additional inspections  
shall be charged at \$15.00 each)

D. Ordinance book \$10.00

E. Septic tank abandonment permit (10.13) \$10.00

2. Failure to obtain a permit before commencing work shall cause the above fees to double.

**Section 11**

**Miscellaneous**

11.01 Utility Responsibility.

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

## **Section 12**

## **Violations, Abatement Procedures and Penalties**

### 12.01 Violations.

Any person violating any provision of this Ordinance or any other rule or order lawfully promulgated by the District is declared to be a public nuisance.

### 12.02 Enforcement.

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

### 12.03 Summary Abatement.

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

### 12.04 Operating Upsets, Slugs or Accidental Discharges.

A. All industrial users shall notify the District immediately upon having an upset in operations which places the discharger in a temporary state of noncompliance with this chapter, a slug or accidental discharge of substances or wastewater in violation of this ordinance. Immediate notification will enable countermeasures to be taken by the District to minimize damage to the POTW and the receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

B. Within five (5) days following an operating upset, slug, or accidental discharge, the user shall submit to the District Approving Authority a detailed written report describing the cause of the discharge, the period of noncompliance, and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage to the POTW, fish kill, nor other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this ordinance or other applicable law.

#### 12.05 Abatement After Notice.

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

#### 12.06 Other Methods Not Excluded.

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

#### 12.07 Cost of Abatement.

In addition to any other penalty imposed by this section for the erection contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the District shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance and said cost may be assessed against the real estate as a special charge as provided in Section 8.05.

#### 12.08 Emergency Suspension of Service.

A. The District may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the District, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the District to violate any condition of the City of Sheboygan's WPDES Permit.

B. Any user notified of a suspension of the wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the user to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The District and District Approving Authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

#### 12.09 Appeals Procedure.

Any user, permit applicant, municipality or permit holder affected by any decision, action or determination, including cease and desist orders, made by the District Approving



Authority or Plumbing Inspector interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the District a written request for reconsideration within ten (10) days of the date of such decision, action or determination, setting forth, in detail, the facts supporting the user's request for reconsideration. The District Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing, within five (5) days of receipt of request. If the ruling on the request for reconsideration made by the District Approving Authority is unsatisfactory, the person requesting reconsideration may, within five (5) days after notification of the action, file a written appeal with the Office Manager of the District. The written appeal shall be heard by the Commission within fifteen (15) days from the date of filing. The Commission shall make a final ruling on the appeal within ten (10) days from the date of filing.

#### 12.10 Penalties.

Any user who is found to have violated an order of the District or who failed to comply with any provision of this ordinance, order, rule, regulation, resolution or permit issued hereunder, shall subject the violator to a forfeiture of not less than Five hundred (\$500.00) Dollars for each offense, together with the costs of prosecution and in default of payment thereof, to imprisonment in the County Jail until such costs and forfeiture are paid, but not to exceed ninety (90) days. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

#### 12.11 Other Penalties.

In addition to any civil penalties or penalties prescribed by this chapter, any industrial user who violates any provision(s) of this chapter or applicable State and/or Federal regulations or who violates any terms or conditions of a wastewater discharge permit shall subject such permit to suspension or revocation as set forth in Section 12.12.

#### 12.12 Suspension and Revocation of Permit.

A. Any permit issued hereunder may be suspended or revoked by the District for a violation of any provision of this chapter. The permittee shall be given notice of the reasons for the suspension or revocation and an opportunity to be present at an administrative hearing for the purpose of determining whether such suspension shall be imposed or whether the permit shall be revoked. Upon the written complaint of the Plumbing Inspector, District Approving Authority or any Commissioner filed with the Office Manager of the District alleging that a person holding a permit under this chapter has violated this chapter, the District shall issue a Summons signed by the Commission President with a copy of the Complaint and directed to be served on the permittee. The Summons shall command the permittee complained of to appear at such hearing on a day and place named in the Summons, not less than five (5) days and not more than ten (10) days from the date of issuance, and show cause why his or her permit should not be revoked or suspended. Service shall be in the manner provided under Chapter 801 of the Wisconsin Statutes for service in civil actions in Circuit Court.

B. If the permittee does not appear as required by the Summons, the allegations of the Complaint shall be taken as true, and if the hearing examiner find the allegations sufficient, the permit shall be revoked. The District Approving Authority shall give notice of the revocation to the permittee whose permit is revoked. If the permittee appears as required by the Summons and denies the Complaint, both the Complaint and the permittee may produce witnesses, cross examine witnesses and be represented by counsel. The permittee shall be provided a written transcript or digital recording of the hearing at his or her expense. If, upon the hearing, the hearing examiner finds the Complaint to be true, the permit shall either be suspended or revoked. The District Approving Authority shall give notice of the suspension or revocation to the permittee whose permit is suspended or revoked. If the hearing examiner finds the Complaint untrue, the proceeding shall be dismissed without cost to the permittee. Upon suspension or revocation, the permittee shall surrender the permit to the District Approving Authority.

#### 12.13 Appointment of Hearing Examiners; Hearing Procedure.

A. Three (3) hearing examiners shall preside over the administrative hearing required by Section 12.12 above. Each examiner shall be qualified as a civil engineer with a background in industrial sewerage pretreatment programs. The District and permittee shall each select one such civil engineer within forty-eight (48) hours of the service of the Summons and Complaint and shall also inform the other party of their choice within such time frame. Within seventy-two (72) hours of their selection, the two (2) engineers shall mutually agree upon and appoint a third civil engineer who shall also preside at the hearing. Each examiner shall have equal status in deliberating and arriving at a decision.

B. The failure of either the District or the permittee to timely select, identify and retain a civil engineer within such initial forty-eight (48) hours shall result in the adjudication being made by the engineer timely selected.

C. Notwithstanding Subsection A above, in the event both engineers fail to mutually agree upon the selection of a third engineer, the District shall select an independent civil engineering firm and obtain a list of three (3) persons as candidates for the third hearing examiner; after such list of names is received, the two (2) engineers shall alternately eliminate names from such list until one (1) name remains, with the permittee's engineer making the initial elimination; one of the remaining civil engineers shall then become the third hearing examiner.

D. The three (3) hearing examiners shall conduct the hearing and take evidence and shall:

1. Issue, in the name of the District, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

2. Swear witnesses and take evidence;

3. Transmit a report of the evidence and hearing, including written transcripts or digital recordings, and other evidence, together with recommendations to the District for action thereon.

4. At any hearing held pursuant to this ordinance, testimony taken must be under oath and recorded steno graphically or by digital recording. The written transcript, or digital recording, will be made available to any member of the public or any party to the hearing upon payment of the charges for the reproduction thereof.

#### 12.14 Non-exclusivity of Penalties.

Adoption of any remedial action under this chapter shall not preclude the District from providing for the enforcement of any other law, regulation, order, or ordinance relating to the same or other matters.

#### 12.15 Liability to District and/or City for Losses.

Any person violating any provisions of this Ordinance shall become liable to the District for any expense, loss, or damage occasioned by reason of such violation which the District may suffer as a result thereof. If any violation impacts the City wastewater collection and treatment facilities as well as the District wastewater collection facilities, the District may penalize the violator independently and concurrently with the City. The District Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

**Section 13**

**Validity**

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

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

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

## **Section 14**

## **Records, Audit and Notification**

### **14.01 Biennial Audit.**

The District 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. The District 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 estimated or measured wastewater volume and pollutant loadings discharged by the users;

B. Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities; and

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.

### **14.02 Annual Notification.**

The District shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the total rate is attributable to the District's operation and maintenance expenses, sewer service charges from Sheboygan, and the District's debt service costs. The notification shall occur in conjunction with the District's annual budget public hearing.

### **14.03 Records Retention.**

A. All industrial users subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of an industrial user in connection with its discharge. All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the District pursuant hereto shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

B. The District is also required to maintain all records relating to sampling, monitoring, and chemical analysis under the same conditions as specified in this section.

Falsifying Information.

No person shall knowingly make any false statement (s), representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or wastewater discharge permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance.

**Section 15**

**Effective Date**

15.01 Date of Effect.

This Ordinance shall take effect and be in force from and after its enactment and publication as required by law.

15.02 Date of Enactment (Approval).

This ordinance amending and restating the Town of Sheboygan Sanitary District No. 2 Sewer Use and Sewer Service Charge Ordinance was enacted the 16th day of November, 2015.