

## **ORDINANCE #50**

### **PUBLIC AND PRIVATE SEWER USE**

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE VILLAGE OF COCHRANE, BUFFALO COUNTY, WISCONSIN AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

THE VILLAGE OF COCHRANE, OF BUFFALO COUNTY, WISCONSIN DOES HEREBY ORDAIN AS FOLLOWS, TO-WIT:

#### **SECTION I: - DEFINITIONS**

(A) APPROVING AUTHORITY shall mean the Village Board of the Village of Cochrane, Buffalo County, Wisconsin, or its duly authorized committee, agent, or representative

(B) BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

(C) BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(D) BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

(E) CHLORINE REQUIREMENT shall mean the amount of chlorine in milligrams per liter which must be added to sewage to produce specified residual chlorine content in accordance with procedures set forth in "Standard Methods."

(F) COMPATIBLE POLLUTANTS shall mean biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coli form bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such work were designed to treat such additional pollutants to a substantial degree.

(G) 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. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

(H) 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.

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

J) INCOMPATIBLE POLLUTANTS shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

(K) INDUSTRIAL WASTE shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

(L) 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 ground waters.

(M) PARTS PER MILLION shall be a weight-to-weight ration; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(N) PERSON shall mean any and all persons, including any individual, firm company, municipal or Private Corporation, associate, society, institution, enterprise, government agency, or other entity.

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

(P) PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the Village of Cochrane. It shall also include sewer within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

(Q) SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may be present.

(R) 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.

(S) SEWAGE is the spent water of a community. The preferred term is “wastewater.”

(T) SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of use related capital expenses as well as the operation and maintenance costs, including replacement of said facilities.

(U) “SHALL” is mandatory; “MAY” is permissible.

(V) SHOCK 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/or performance of the wastewater treatment works.

(W) 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 Associations.

(X) STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

(Y) STORMWATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

(Z) SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as nonfilterable residue.

(AA) UNPOLLUTED WATER is water of quality equal to or better than the effluent criteria in effect or water that could not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(BB) 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 building, industrial plants, and institutions, together with any ground water, surface water, and stormwater that may be present.

(CC) WASTEWATER FACILITIES shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the affluent.

(DD) WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

(EE) WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continually or intermittently.

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

## **SECTION II: - MANAGEMENT, OPERATION, AND CONTROL**

(A) MANAGEMENT. The management, operation, and control of the sewer system for the Village of Cochrane is vested in the Village President of said Village; all records, minutes and all written proceedings thereof shall be kept by the Clerk of the Village of Cochrane; the Treasurer of the Village of Cochrane shall keep all the financial records.

(B) CONSTRUCTION. The sewer utility of the Village of Cochrane shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, public grounds of the Village of Cochrane; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village of Cochrane shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Village Board shall have power to purchase and acquire for the Village of Cochrane all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

(C) MAINTENANCE OF SERVICES. The utility shall maintain sewer service within the limits of the Village for the street main only, including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner. All sewer piping from the connection wye of the main to the foundation wall are the responsibility of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(D) CONDEMNATION OF REAL ESTATE. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village of Cochrane be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village of Cochrane shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, as amended, if Federal Funds are used.

(E) TITLE TO REAL ESTATE AND PERSONAL PROPERTY. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagram, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said Village of Cochrane.

### **SECTION III: - USER RULES AND REGULATIONS**

(A) GENERAL. The rules regulations, and sewer rates of the Village of Cochrane hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system to the Village of Cochrane and every such person, company, or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby whenever any of said rules and regulations, or such others as the said Village of Cochrane may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Village of Cochrane, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village of Cochrane may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village of Cochrane, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village of Cochrane to change the said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.

The following rules and regulations for the government of licensed plumbers, sewer users and others are hereby adopted and established.

(B) PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

(C) USERS.

- (1) MANDATORY HOOK-UP. The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within 365 days of notice in writing from the Village. Upon failure to do so, the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Village Clerk

stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 18% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wisconsin Statutes.

In lieu of the above, the Village, at its option, may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% 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 assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

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

- (2) **SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks and other private sewage disposal systems within the area or the Village of Cochrane serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after April 1, 1982, the use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.
- (3) **APPLICATION FOR SERVICE.** Every person connecting with the sewer system shall file an application in writing to the Village of Cochrane in such form as is prescribed for the purpose. Blanks for such applications will be furnished at the office of the Clerk of the Village of Cochrane. The application must state fully and truly all the use which will be allowed except upon further application and permission regularly obtained from said Village of Cochrane. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of Cochrane are referred to herein as "Users."

The application may be for service to more than one building or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Village of Cochrane may reject the application. If the Village of Cochrane approves the application, it shall issue a permit for services as shown on the application.

- (4) **CONNECTION CHARGE.** Persons attaching to a main of the Cochrane Municipal Sewer Utility shall pay a connection charge identified in the User Charge System Resolution plus that person shall have the lateral from the sewer main installed at his own expense and pay costs for street, curb and gutter, sidewalk and boulevard replacement.
- (5) **TAP PERMITS.** After sewer connections have been introduced into any building or upon any premises; no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village of Cochrane.
- (6) **USER TO KEEP UP REPAIR.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

- (7) **USER USE ONLY.** No user shall allow others or other services to connect to the sewer system through his lateral.
- (8) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the system must be notified in writing. The owner of the premises shall be liable for any damages to the property of such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.
- (9) **USER TO PERMIT INSPECTION.** Every user shall permit the Village, or its duly authorized agent, at all reasonable hours or the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Wisconsin Statutes.
- (10) **UTILITY RESPONSIBILITY.** It is expressly stipulated that no claim shall be made against said Village of Cochrane or acting representative by reason of the breaking, clogging, stoppage, or freezing or any service pipes; nor from any damage arriving 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 within any district of the said Village or Cochrane, the Village shall, if practicable, give notice to each and every consumer within said Village of the time when such service will be so shut off.

#### **(D) EXCAVATIONS.**

- (1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (2) No person shall leave any such excavation made in any street or highway open at any time Without barricades; and during the night, warning lights must be maintained at such excavations.
- (3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village of Cochrane. Methods of repair shall be submitted to the Village of Cochrane for approval prior to proceeding with restoration. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

#### **(E) TAPPING THE MAINS.**

- (1) No person, except those having special permission from the Village of Cochrane, or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from said Village of Cochrane to insure that new sewers and connections to the sewer system are properly designed and constructed.
- (2) Pipes should always be tapped on the top, and not within six inches (15 cm) of the joint, or Within 25 inches (60 cm) of another lateral connection.

(F) **INSTALLATION OF HOUSE LATERALS.**

- (1) All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administration Code Chapter SPS 382.
- (2) Per Section SPS 382.21, all laterals will be inspected. The building sewer and/or private interceptor main sewer shall be inspected upon completion or placement of the pipe and before backfilling; and tested before or after backfilling.

(G) **EXTENSIONS.** The Cochrane Municipal Sewer Utility shall extend sewer mains to a new person(s) in accordance with the following charges and the following conditions to-wit:

- (1) When an extension main is required by the prospective user, said person shall make an application for such an extension in writing to the Village Board of the Village of Cochrane by filing a written application with the Village Clerk. After the filing of such an application for the same with the Village Board shall first determine the logical location of the next manhole or manholes. Next the Board shall determine the length and location of the extension, taking into consideration the future prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
- (2) The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users.
- (3) After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s) the Village Board shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received said Board shall first divide the area to be served into local building lots. Such Board may consider the recommendations of the landowner in determining said building lots if the landowner as a part of his application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users if more than one user is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.
- (4) Payments are to be considered contributions to construction and after the original contribution in any future connection by a user other than to a lot owned by a party making a previous contribution, such user shall be required to pay to the Village his pro rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors.
- (5) When the Village receives a future contribution, it shall, after receiving the money; pay said money to the previous contributors by paying to each of the previous contributor's equal amounts by counting each previous contributing lot as a separate contributor. The Village shall not make payments to a previous contributor if ten (10) years have expired from the date of the original contribution. Said money paid shall be retained by the Village.
- (6) It is hereby provided that the right to contribution shall follow the land and not the contributor with the reimbursement to go to the person who is the owner of the receiving lot at the time of the reimbursement. If a contributor owns more than one lot at the time of contribution, he shall be required to designate one of the lots as the lot entitled to contribution and the owner of such a lot at the time of any contribution shall receive the reimbursements for all of the lots owned

by the original contributor at the time of the original contribution. Such lot designation shall be filed with the Village Clerk of the Village of Cochrane, Buffalo County, Wisconsin, and may be filed in the Office of the Register of Deeds for Buffalo County, Wisconsin. The owner of such designated lot may by filing a corrective designation change said designation to another lot owned by him as long as such new lot is one of the lots to be served by said extension. The total amount of reimbursement that any contributor may receive shall be the total payment made by him, less the benefits conferred upon the lot or lots owned by him at the time of his contribution.

- (7) In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to his building and the connection charge.

**(H) ADDITIONAL AUTHORITY.** The Village Board may at any time establish specific connection and lateral charges for any main not covered by any other provisions in this Ordinance or when the Village has made an extension and the Village Board has failed to provide lateral or connection charges. It is further provided that the Village Board may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

#### **SECTION IV: - USE OF THE PUBLIC SEWERS**

**(A) PROHIBITIONS AGAINST DISCHARGE.** No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

- (1) Any storm water, surface water, ground water, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer.
- (2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.
- (3) Any waters or waste containing toxic or poisonous substance in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.
- (4) Any waters or wastes having a pH lower than 6 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel or the wastewater works.
- (5) Any waters or wastes having a pH in excess of 9.
- (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the wastewater 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.
- (7) Any discharge into the sanitary sewerage system that is in violation of the requirements of the WPDES Permit and the modifications thereof.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit.



- (9) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease.
- (10) 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 or consumption on the premises or when served by caterers.
- (11) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the Approving Authority.
- (13) Any radioactive waste or isotopes of such half life or concentration as may exceed limits established by the Approving Authority in compliance with applicable State or Federal regulations.
- (14) Quantities of flow, concentrations, or both which constitute a "shock" as defined herein.
- (15) Incompatible pollutants 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 plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream.
- (16) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause: -
  - a) Unusual BOD, chemical oxygen demand or chlorine requirements such as, but not limited to, whey in such quantities as to constitute a significant load on the wastewater treatment plant.
  - b) Unusual volume of flow or concentration of wastes constituting "Shocks" as defined herein.
  - c) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - d) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

**(B) SEPTIC TANK AND HOLDING TANK DISPOSAL.** No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the Village of Cochrane.

**(C) SUMP PUMPS.** Sump pumps must be rigid piped to the outside of the foundation walls.

**(D) SPECIAL AGREEMENTS.** No statement contained in this article shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the

wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth herein are complied with.

## **SECTION V: - SEWER USE CHARGE SYSTEM**

(A) DEFINITIONS. The following terms shall have the following meanings under this Ordinance:

(1) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BODs and suspended solids no greater than 250 and 250 milligrams per liter (mg/l) respectively.

(2) REPLACEMENT COSTS shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required maintaining capacity and performance during the design life of the plant.

(3) OPERATION AND MAINTENANCE COSTS shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flow, shall be divided proportionately among the various sewer users according to their equivalent user factors.

(4) DEBT SERVICE COSTS shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment plant. These costs, including costs associated with extraneous (clear water) flows, shall be divided evenly among all sewer users.

(5) NORMAL USER shall be a user whose contributions to the wastewater treatment works consist only of normal domestic-strength waste originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

(6) USER CHARGE is a charge levied on users of the wastewater collection and treatment facilities as a part of the Sewer Service Charge for payment of operation and maintenance costs of said facilities.

(B) POLICY. It shall be the policy of the Village of Cochrane to obtain sufficient revenues to pay the cost of (a) the annual debt retirement payment on any bonded indebtedness, (b) any required cash reserve account payment, and (c) operation and maintenance of the sewage works, including a replacement fund (i.e. a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this Section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.

(C) BASIS FOR USER CHARGE. The minimum quarterly billing shall be sufficient to pay the annual debt retirement and USDA Rural Development Reserve Account costs. A portion of the debt service and Reserve Account may be budgeted by levying an advalorem tax in accordance with State Statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance including any replacement fund, or the sewage works. The methodology of determining the user charges is given in the User Charge System.

(D) SEWER CHARGES. A sewer service and user charge are hereby imposed upon each lot, parcel of land, building, or premises served by the public sewer and wastewater facilities, or otherwise discharging sewage, including industrial wastes, into the public sewer and wastewater facilities. Such sewer service charge shall be payable as hereinafter provided, and in an amount determinable as follows:

(1) CATEGORY A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand and (BOD) no greater than 250 milligrams per liter (mg/l) and suspended solids no greater than 250 milligrams per liter (mg/l.). Category A charge will consist of a fixed charge and a volumetric charge as identified in the User Charge System Resolution.

(2) CATEGORY B is defined as wastewater having organic concentrations or Biochemical Oxygen Demand (BOD) greater than 250 milligrams per liter (mg/l) and/or Suspended Solids (SS) greater than 250 milligrams per liter (mg/l). The minimum Category Charge will be based on a concentration of 250 mg/l BOD and 250 mg/l SS. The equation for the monthly Category B charge is as follows:

$SSC = \text{Category A charge (fixed plus volumetric)}$

$+ (((BOD - 250) / 1000) \times V \times 0.00834 \times CB)$

$+ (((SS - 250) / 1000) \times V \times 0.00834 \times CS)$

SSC = Total sewer service charge

BOD = Biochemical Oxygen Demand expressed in mg/l

SS = Suspended Solids expressed in mg/l

CB = BOD unit price per 1000 pounds

CS = SS unit price per 1000 pounds

V = Total volume of water used during billing period in units of 1000 gallons

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

(E) ADJUSTMENT OF CHARGES.

On or before October 15 of each year, the Village Clerk-Treasurer shall meet with the Village Sewer Committee and together they shall review the sewer and user rate charges and shall recommend to the Village Board any rate adjustments. After consideration of the recommendation, the Village Board may adjust the rates to be charged under this ordinance by resolution without the necessity of amending the terms of this ordinance.

## **SECTION VI: - CONTROL OF INDUSTRIAL WASTES**

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

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require a control over the quantities and rates of discharge.

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of Section IV (C).

**(B) CONTROL MANHOLES.**

(1) Each person discharging industrial wastes into a public 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.

(2) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

(3) 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 Approving Authority prior to the beginning of construction.

**(C) MEASUREMENT OF FLOW.** The volume of flow used for computing the sewer service and the cost recovery charges shall be based upon the water consumption of the person as shown in the records of meter readings maintained by Cochrane Water Works.

**(D) PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person.

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

**(F) WASTE SAMPLING.**

(1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry as often as may be deemed necessary by the Approving Authority.

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

(3) Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample is taken.

(G) **PRETREATMENT.** Where required, in the opinion of the 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 required to render his wastes acceptable for admission to the public sewers.

(H) **GREASE AND/OR SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes, containing floatable grease in excessive amounts, as specified in Section IV (A), or any flammable wastes, sand, or other harmful ingredients. All traps must be cleaned quarterly with proof of disposal of contents to the Village.

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

(I) **ANALYSES.**

(1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, duration, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(2) 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 Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Approving Authority may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village and the person discharging the waste. All cost incurred by the independent laboratory in making the determinations shall be assumed by the discharger.

(J) **SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(K) **SUBMISSION OF BASIC DATA.** Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater works.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(L) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed herein; a request for extension of the time may be presented for consideration by the Approving Authority.

## **SECTION VII: - PAYMENT OF CHARGES**

(A) PAYMENT AND PENALTY. The sewerage service charge shall be for the corresponding period of the water bills, and shall be payable to the Village Treasurer of the Village of Cochrane, Wisconsin, not later than 20 days after the end of each period. A penalty of ten (10) per cent shall be added to all bills not paid by the date fixed for final payment.

(B) CHARGES A LIEN. All sewage charges shall be a lien upon the property served pursuant to Wisconsin Statutes, and shall be collected in the manner therein provided.

(C) CHARGE RATES. Charge rates shall be reviewed annually and periodically updated in a User Charge System Resolution.

## **SECTION VIII: - DEDUCT METERS**

(1) One Hundred percent (100%) of water used, for which deduction is requested, must have been prevented from entering the sewer system.

(2) No deduction shall be granted for users of the sewer system who are delinquent in their payments to the Village for such service.

(3) Meter shall be used only by the user to whom it is registered and at the service location to which it is assigned.

(4) This meter shall be used only for watering gardens & lawns, washing automobiles and filling pools to receive sewer deduct credit.

(5) The customer must purchase the approved meter from the Village at the price paid by the Village.

(6) The customer is responsible for all changes to their plumbing system to accept the additional meter, and to separately connect affected outside hose bibbs solely to the deduct meter.

(7) The deduct meter will stay permanently installed in the location, and the customer is responsible for testing of the meter at intervals specified by the Public Service Commission of Wisconsin.

(8) Charges for installation of the meter, usage, and quarterly service charges will be assessed as per the most current PSC rate case on file for the Village.

(9) If no water use was registered in a single quarter of the year (January 1-March 31, April 1- June 31, July 1- September 31, October 1- December 31) the quarterly service charge will not be assessed.

## **SECTION IX: - SERVICE OUTSIDE OF THE CORPORATE BOUNDARY**

(A) GENERAL CONDITIONS.

No lot, parcel of land, building or premises located outside of the corporate boundary of the Village shall be served by the public sewer and wastewater facility, except upon application to and approval by the Village Board.

In the event the Village Board does approve such service, in addition to the terms and conditions which may be imposed by the Village Board prior to extending service, an outside user shall be subject to all of the provisions of this ordinance and additionally shall comply with the following terms and conditions:

(1) COSTS.

a) All costs of construction incurred and related to the outside user connecting to the system shall be borne by the outside user. As a condition precedent to service, the outside user shall also reimburse the Village for any administrative, legal or engineering costs incurred by the Village in relation to the application approval process including the costs of publishing any required amendment of this ordinance.

b) The outside user shall be solely responsible for the costs of maintaining and repairing the extension sewer line connection to the Village system.

(2) INDEMNIFICATION. The outside user shall indemnify and hold harmless the Village from any and all damages, including costs and reasonable attorney's fees which may be incurred by reason of legal or equitable claims asserted against the Village which may relate to the extension of service to the outside user or to the providing of such service, including, but not limited to, claims arising out of the malfunction of sewer lines connecting to the system which were constructed, maintained or repaired by the outside user or its contractors, agents or employees.

(B) FAILURE TO PAY CHARGES.

(1) In the event an outside user fails to pay its sewer or user charges or any other sums which may be imposed by this section, by other provisions of this ordinance, or by contract with the outside user, the Village may do the following:

a) TERMINATION OF SERVICE. In the event an outside user's arrearages are not fully paid within 60 days of the date of billing, the Village may shut off service as provided in Section III (A) herein;

b) LIEN CLAIM. In the event that an outside user's arrearages are not fully paid within 60 days of the date of billing, the Village may, without notice to the outside user or to any interested party, file a lien claim for the sums due with the Clerk of the Circuit Court of Buffalo County, Wisconsin, against the subject real estate described and designated as an approved outside service area in Section IX (C) herein. This lien claim may be foreclosed in the manner of a real estate mortgage as set forth in Chapter 846 of the Wisconsin Statutes (1989-90) as may be amended or renumbered in the future, except that there shall be no post-judgment redemption period. The lien may be foreclosed upon within three (3) years of the date of billing and the amount claimed subject to foreclosure may include any additional unpaid sewer or user charges accruing from the date of the filing of the initial lien claim until the date of any sheriff's sale held in connection with the foreclosure, together with the costs and reasonable attorney's fees related to the lien foreclosure proceeding. All outside users shall by written contract with the Village agree to be bound by the foregoing lien provisions. The Village may file notice of the existence of the potential lien with the Register of Deeds Office for Buffalo County, Wisconsin.

(C) DESIGNATED OUTSIDE SERVICE AREAS.

The following described premises are hereby designated as approved outside service areas:

(1) Parcel known as Peck's Trailer Court as described in the attached Exhibit "A".

(2) Service is limited to the equivalent of 58 units on the site as presently comprised of two residences, 46 mobile home sites and 50 campsites. No additional improvements or sites on the premises shall be served and no dumping station may be maintained on the above-described premises.

#### **SECTION IV: - VIOLATIONS AND PENALTIES**

(A) WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this ordinance rule and regulations shall be served by the Approving Authority with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall violate any of the provisions of this ordinance; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provision of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit the amount identified in the User Charge system Resolution and the cost of prosecution.

(B) ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer, which causes damage to the collection system, treatment facilities, receiving body of water and/or downstream waters shall, in addition to forfeiture, pay the amount to cover damages, both values to be established by the Approving Authority.

#### **SECTION X: - VALIDITY**

(A) REPEAL OF CONFLICTING ORDINANCES. All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

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

(C) AMENDMENTS. The Village, through its duly qualified governing body, may amend this ordinance in part or in whole wherever it may deem necessary.

#### **SECTION XI: - EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

/s/ David Busch  
Dave Busch, Village President

/s/ Sherry Lorenz  
Sherry Lorenz, Village Clerk

This ordinance was unanimously passed and adopted at a Regular Meeting of the Village Board on July 12, 2012.