CHAPTER 21

SEWER USE AND WASTEWATER RATES[1]

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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 Village of Oostburg, County of Sheboygan, State of Wisconsin.

21.01 Definitions

(1) **APPROVING AUTHORITY** - Shall mean the Village Board of the Village of Oostburg.

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

(3) **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.

(4) **BUILDING SEWER** shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

(5) **CATEGORY A** shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/l and suspended solids no greater than 175 mg/l.

(6) **CATEGORY B** shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD and 175 mg/l of suspended solids. Users whose

[1]Adopted as Ordinance 3-1980, Adopted October 13, 1980, and Published October 23, 1980. See Minutes of the Village Board Vol. 5, pg. 581. Changed through Ordinance 3-1997. Adopted 12/8/97 and published 12/26/97. See the Minutes of the Village Board, Vol. 11, Page 1145. Changed through Ordinance No. 1-(2018/19). Adopted 5/14/2018. See the Minutes of the Village Board, Volume 28, Page 1992.

wastewater exceeds the concentration for any one of these parameters shall be in Category B.

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

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

(9) **COMPATIBLE POLLUTANTS** shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

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

(11) **EQUIVALENT RESIDENTIAL UNIT(S) (ERU)** shall be defined as follows:

	Classification	**Formula**
Residential:	Single-Family	1 ERU
	Multi-Family	1 ERU per dwelling unit
	Mobile Home Park	1 ERU per mobile home
Non-Residential (Based on Meter Size):		
	5/8” Meter Size	1 ERU
	¾” Meter Size	1 ERU
	1” Meter Size	2.5 ERU
	1 ½” Meter Size	5 ERU
	2” Meter Size	8 ERU
	3” Meter Size	15 ERU
	4” Meter Size	25 ERU
	6” Meter Size	50 ERU

(12) **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.

(13) **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.

(14) **GRANTEE** shall mean the Village of Oostburg.

(15) **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.

(16) **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.

(17) **INDUSTRIAL WASTE** shall mean the wastewater from industrial process, trade, or business as distinct from sanitary sewage.

(18) **MAJOR CONTRIBUTING INDUSTRY** shall mean an industry that:

(A) Has a flow of 30,000 gallons or more per average workday;

(B) Has a flow greater than five (5) 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 Section 147.07(1), Wisconsin Statutes, 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.

(19) **MUNICIPALITY** shall mean the Village of Oostburg.

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

(21) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD no greater than 200 mg/l and suspended solids no greater than 175 mg/l.

(22) **OPERATION AND MAINTENANCE COSTS** shall 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.

(23) **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.

(24) **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.

(25) **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.

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

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

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

(29) **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.

(30) **SEWAGE** is the spent water of a community. The preferred term is "wastewater, " Sec. 140.

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

(32) **SEWER SERVICE CHARGE** is a charge levied on users of the wastewater collection and treatment facilities to recover annual revenues for debt services, replacement costs, and operation and maintenance expenses of said facilities. (The user charge which covers operation and maintenance and replacement expenses is a part of the sewer service charge.)

(33) "**SHALL**" is mandatory; "**MAY**" is permissible.

(34) **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 collection system and/or performance of the wastewater treatment works.

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

(36) **STORM DRAIN** (sometimes termed Storm Sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

(37) **STORM WATER RUNOFF** shall mean, that portion of the rainfall that is drained into the sewers.

(38) **SUSPENDED SOLIDS** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater, " and referred to as non-filterable residue.

(39) **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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(40) **USER CHARGE** is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of said facilities.

(41) **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.

(42) **WASTEWATER COLLECTION FACILITIES** (or Wastewater Collection System) shall mean the structures and equipment required to collect and carry away domestic and industrial wastewater.

(43) **WASTEWATER TREATMENT FACILITY** shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with wastewater treatment plant.

(44) **WATERCOURSE** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(45) **WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT** is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0022233 and modifications thereof pertain to the Village's wastewater treatment facility.

21.02 Use Of The Public Sewers

(1) **SANITARY SEWERS**. No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Approving Authority.

(2) **STORM SEWERS**. Storm water, other than that exempted under Section 21.02 (1), and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated

as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer, combined sewer, or natural outlet.

(3) **PROHIBITIONS AND LIMITATIONS**. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.

(D) Any waters or wastes having a pH in excess of 9.0.

(E) 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.

(F) The following described substances, materials, waters, or waste 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, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the Ordinance if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

2. Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin .

3. Wastewater from industrial plants containing 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 non-conventional pollutants to such degree that any such material received in the

composite wastewater in concentration that exceeds levels specified by federal, state, and local authorities.

6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.

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

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

9. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, 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:

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

    ii. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

    iii. 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).

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

11. Incompatible pollutants in excess of the allowed limits as determined by village, state, and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

(G) The Village shall comply with all the requirements of WPDES Permit No. WI-0022233 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

(4) **SPECIAL ARRANGEMENTS**. 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 collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

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

21.03 Control Of Industrial Wastes Directed To Public Sewers

(1) **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 wastes discharged to the wastewater collection and treatment facilities.

The Approving Authority may require that this data be provided annually at a time specified by the Approving Authority. The following forms or the information needed to complete them will be accepted:

Annual NR 101 "Effluent Reporting Form"

Form 3400-28 "Industrial Waste Contribution to Municipal System"

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.

The above is required to comply with Wisconsin Pollutant Discharge Elimination System Permit No. WI-0022233.

(2) **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 by 21.03 (1), a request for extension of time may be presented to the Approving Authority for consideration.

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

(A) Reject the wastes,

(B) Require pretreatment to an acceptable condition for discharge to the public sewers,

(C) Require control over the quantities and rates of discharge, and/or

(D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 21.02 (4).

(4) **CONTROL MANHOLES.** Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.

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 .

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.

(5) **MEASUREMENT OF FLOW**. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Utility except as noted in 21.03 (6) and 21.03 (7).

(6) **PROVISION OF DEDUCTIONS**. In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the Approving Authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the Approving Authority and the person.

(7) **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.

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

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.

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

(9) **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 facility, 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.

(10) **GREASE, OIL, AND 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 21.02 (3)(f)(2.), or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority . Disposal of the collected materials performed by owner's (s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) practice.

(11) **ANALYSES**. 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 with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, duration, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the per son 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 binding as a basis for sewer service charges.

(12) **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.

21.04 Basis For Sewer Service Charges

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

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

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

(3) **DEDUCT METERS**. If a user feels that a significant amount of metered water does not reach the sanitary sewer, he can at his own expense, through the Approving Authority, install a second water meter that would monitor this flow. Charges for sewer use would be made based on the difference between the two meter readings.

Instead of using a deduct meter, the user may elect to install an additional metered water service that would meter the water discharged to the sanitary sewer. Charges would be based on the actual water metered by the additional metered water service.

Requests for a second meter or metered service must be made in writing to the Approving Authority.

(4) **RESIDENTIAL SUMMER IRRIGATION ALLOWANCE**. Residential sewer service charges for the four (4) monthly billing cycles commencing May 15 and ending September 14 shall be based on the average monthly metered water usage for the previous year's two (2) monthly billing cycles commencing September 15 and ending November 14. This allowance does not apply to customers utilizing deduct meters.

(5) **RESIDENTIAL POOL-FILLING CREDIT.** During billing cycles for which the Summer Irrigation Allowance is not in effect, residential sewer service customers are eligible once per calendar year to receive a credit for metered water used to fill an outdoor swimming pool. Sewer users must complete and return to the Village Clerk/Treasurer a credit request form.

21.05 Amount Of Sewer Service Charges

(1) **CATEGORY A** shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of biochemical oxygen demand (BOD) no greater than 200 mg/l and suspended solids no greater than 175 mg/l.

(2) **CATEGORY B** shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD and 175 mg/l of suspended solids. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B. The minimum Category B charge will be based on a concentration of not less than 200 mg/l of BOD, 270 mg/l of suspended solids and 7 mg/l phosphorus.

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

$$C = F + (V \times C_V) + .00834\ V\ [(B \times C_B) + (S \times C_S)] + (P \times CP)$$

C = Charge to sewer user for collection and treatment of wastewater

F = Fixed charge per billing period

B = Concentration of BOD in mg/l in the wastewater (concentration minus 200 mg/l equals B)

S = Concentration of suspended solids in mg/l in the wastewater (concentration minus 175 mg/l equals S)

P = Concentration of Phosphorus in mg/l in the wastewater (concentration minus 7 mg/l equals P)

V = Wastewater volume in 1,000 gallons for the billing period

C_V = Cost per 1,000 gallons

C_B = Cost per pound of BOD

C_S = Cost per pound of suspended solids

CP = Cost per pound of Phosphorus

. 00834 = Conversion factor

(3) **SETTING RATES AND CHARGES**. Rates for determination of Volumetric Charges and Fixed Charges per ERU shall be set for all user classes. Rates and Fixed Charges shall be set by resolution of the Village Board. A Sewer Service Charge and Fee Schedule shall be published by the Village Clerk's office, and all charge calculations shall be based on the rates shown on the then-current fee schedule. All rates and fixed charges shall be reviewed at least every two years, and amended as necessary to reflect costs to comply with applicable state and federal laws. Volumetric rates shall be per every one thousand gallons of wastewater discharged by the user. Fixed charges are established per ERU based upon the size of the meter and customer class. Category B rates shall include additional surcharges for BOD, suspended solids and phosphorus in excess of Category A thresholds.

(4) **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.

(5) **OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS.** The annual replacement revenues shall be maintained in a separate account to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for these uses only with the approval of the Approving Authority.

All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(6) **DISPOSAL OF SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE**. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Approving Authority. Written application for this permit shall be made to the Approving Authority and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of $35.00 per calendar year. The time and place of disposal will be designated by the Approving Authority. The Approving Authority may impose such conditions as it deems necessary on any permit granted.

Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than one hundred thousand dollars ($100,000) to protect any and all persons or property from injury and/or damage caused in any way or

manner by an act, or the failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the Village of Oostburg and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole, nor allow any earth, sand, or other solid material to pass into any part of the wastewater collection and treatment facilities.

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

(7) **TAX INCREMENTAL FINANCE CHARGE**

(a) A tax incremental district (TID) charge is hereby imposed upon the Village for costs of the wastewater treatment facility expansion (the project) which are allocable it improvements undertaken which benefit the Village Tax Incremental District No. 3 for the project is up to 11% of the total principal and interest payments, plus the debt coverage requirements of the loan to construct the project. The estimated maximum annual charge for said project is expected to be $30,000. The utility charge may be modified by Subsection 7(b) of this section.

(b) Additional TID charge. An additional TID charge is hereby imposed under the following conditions: if the life of the loan for a project exceeds the legal life of the Village TID 3, for payments which will become due and payable after the TID has expired, for principal and interest payments allocable to the project.

(c) Billing TID. The TID charge shall be billed to the Village semiannually, approximately six weeks prior to the debt service date(s). The payment shall be made from the TID within 20 days of the billing to the Village of Oostburg Sewer Utility. This obligation shall only apply to the debt costs incurred and due for the project. Upon final debt service payment by the sewer utility for the project, this section shall be repealed.

21.06 Billing Practice

(1) **CALCULATION OF SEWER SERVICE CHARGES**. Sewer service charges that shall be assessed to Oostburg sewer users shall be computed by the Village according to the rates and formula presented in Section 21.05 of this Ordinance.

(2) **SEWER SERVICE CHARGE BILLING PERIOD**. Sewer service charges shall be billed by the Village to the sewer users on or about the 15th day of each month[2].

(3) **PAYMENT OF SEWER SERVICE CHARGES**. Those persons billed by the Village for sewer service charges shall pay such charges within fifteen (15)[3] days after the billing date.

(4) **PENALTIES**. In the event payment is not received by the Village by the 8th day of the following month, there shall be assessed a ten percent (10%) late fee on the unpaid invoice.[4]

Such unpaid sewer service charges levied by the Village against the sewer users in accordance with this Ordinance shall be a debt due to the Village and shall be a lien upon the property. Service will be discontinued if bill is not paid within twenty (20) days after penalty date. If this debt is not paid before October 1 of each year, notice shall be given to the property owner pursuant to Wis. Stat. § 66.0809(3)(a). Any charges that remain unpaid after November 15 of each year, shall be deemed delinquent and may be placed on the next year's tax roll as

[2] Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

[3] Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

[4] Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

a special charge, as defined by Wis. Stat. § 74.01(4) and be collected as other taxes are collected.[5]

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

21.07 Right Of Entry, Safety, And Identification

(1) **RIGHT OF ENTRY**. The Approving Authority or other duly authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this Ordinance and §66.122, Wisconsin Statutes. The Approving Authority or other duly authorized employees of the Village 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.

(2) **SAFETY**. While performing the necessary work on private premises referred to in 21.07 (1), the duly authorized Village employees shall observe all safety rules applicable to the premises established by the person; and the Village shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by Village employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in Section 21.03 (4).

(3) **IDENTIFICATION. RIGHT TO ENTER EASEMENTS**. The Approving Authority or other duly authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all private Properties through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of this duly negotiated easement.

21.08 Sewer Construction And Connections

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

(2) **COST OF SEWER CONNECTION**. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person. The person shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(3) **CONNECTION CHARGES.** A connection charge in the sum of $2,000 per ERU but, in any event, not more than $10,000, shall be due and payable for all residential and non-residential customers prior to connection to the sewer system. The connection charge for a new building shall be paid at the time that a building or plumbing permit is applied for. The connection charge for an existing building shall be paid before the building sewer is connected to the public sewer system.

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

(5) **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 Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth

[5] Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(6) **BUILDING SEWER GRADE**. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. I n 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.

(7) **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 or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority. Exceptions to the above shall be made by the Approving Authority.

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

(9) **INSPECTION OF CONNECTION**. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

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

(11) ~~**SEWER LATERAL MAINTENANCE**. If upon inspection it is discovered that a sanitary sewer lateral is not gas tight and water tight, the Village shall repair or replace the lateral in conformance with the requirements of the State of Wisconsin Plumbing Code and Village of Oostburg Code of Ordinances. Prior to replacement, the Village shall notify the property owner of the amount of repair or replacement costs for which the owner is responsible.~~

21.09 Sanitary Sewer Special Assessments

(1) Unless otherwise directed by the Village Board, all special assessments for the construction of sanitary sewers shall be made on a linear foot basis through the exercise of the Village's police power. As an alternative, the Village Board may utilize other assessment methods at its discretion based upon the circumstances of each special assessment project, including, but not limited to, the following:

(a) Per parcel basis;

(b) Area wide basis;

(c) Square foot basis; or

(2) Special assessments equal to the total project cost for the construction of sanitary sewers shall be made as follows:

(a) All lots or fractions of lots abutting on only one street shall be assessed on a full frontage basis.

(b) Whenever a lot or an unplatted parcel of land abuts two or more streets, it shall be entitled to a 132 foot corner lot special assessment credit, but, in any event, said corner lot credit may not be greater than the length of the shortest side street frontage. The second street side shall be assessed per linear foot greater than 132 feet.

(3) For purposes of this section, total project costs shall include all engineering and legal fees applicable to the project, all costs of mailing and publication for the project, all pre-construction and construction costs applicable to the project, and shall include all project common construction costs otherwise not assessable to an abutting property owner, for example intersections. Such things as intersections shall be included within the definition of total project costs and the abutting property owners shall share the cost of non-assessable portions of the project. Total project costs include charges for a standard eight inch (8") sanitary sewer main. Costs associated with oversizing for pipes larger than an eight inch (8") sanitary sewer main shall be the responsibility of the Village and shall not be included in total project costs for special assessment purposes.

(4) The provisions of Wisconsin Statute § 66.0703 (previously Wisconsin Statue § 66.60) as same may be amended, providing for the collection of the costs of installing and constructing sanitary sewer mains by levying special assessments against the property benefited thereby are adopted by the Village and incorporated therein as if fully set forth in this section.

(5) **SEWER LATERAL COSTS**.[6]

When sewer lateral repair or replacement is required, the costs shall be allocated as follows:

(a) When sanitary sewer laterals are laid, they shall be laid to run from the village main to two feet inside the lot line.

(b) The installation and maintenance of all sanitary sewer laterals from the village main to the building connect shall be the responsibility of the owner of the property which this served.

(c) If upon inspection it is discovered that a sanitary sewer lateral is not gas tight and water tight, the Village shall notify the property owner and order the owner to repair or replace the lateral in conformance with requirements of the State of Wisconsin Plumbing Code and Village of Oostburg Code of Ordinances. If the property owner fails to repair or replace the sanitary sewer lateral as ordered, the Village may repair and/or replace the sanitary sewer lateral and impose a special charge on the real estate for the cost of the repair or replacement pursuant to Wis. Stat. § 6.0627, or level a special assessment for the cost of repair or replacement pursuant to Wis. Stat. § 66.0703.

(d) The property owner shall be responsible for the costs of repair to the sidewalk, notwithstanding Section 10.05 of the Village Code.

(6) **COLLECTION OF COSTS.** The Village will forward the property owner an invoice for the owner's portion of the costs. The property owner may elect to have the costs of the repair or replacement charged as a special assessment against the property under Wis. Stat. § 66.0703 over a three year period of equal installments. If so electing, the owner shall provide written notice to the Village Clerk/Treasurer within 30 days from the date of the invoice, unless an alternate date is approved by the Village Clerk/Treasurer. If no such election is made, the owner shall be responsible for payment of the costs upon receipt of the invoice and if the costs remain unpaid,

[6] Adopted Ordinance 4-2025 on April 10, 2025.

they shall be charged as a special assessment against the property. The property owner shall agree in writing to waive notice and hearing of the special assessment as a condition of the Village's payment of one-half of the repair or replacement costs. The property owner agrees to grant permission to the Village to access the property for purposes of lateral repair or replacement and inspections thereof. If the owner denies such access, the Village reserves the right to impose a special assessment under Wis. Stat. § 66.0703 for the entire costs of the lateral repair or replacement.

21.10 Violations, And Penalties

(1) **WRITTEN NOTICE OF VIOLATIONS**. Any person found to be violating any provision of this Ordinance, except Section 603, shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

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

(3) **CONTINUED VIOLATIONS**. Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof forfeit, not more than $500 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Sheboygan County Jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

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

The Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

21.11 Water Billing Practices[7]

(1) **CALCULATION OF WATER SERVICE CHARGES**. Water service charges that shall be assessed to Oostburg water users shall be at the rates established and approved by the Wisconsin Public Service Commission.

(2) **WATER SERVICE CHARGE BILLING PERIOD**. Water service charges shall be billed by the Village to the water users on or about the 15th day of each month.

(3) **PAYMENT OF WATER SERVICE CHARGES**. Those persons billed by the Village for water service charges shall pay such charges within fifteen (15) days after the billing date.

(4) **PENALTIES**. In the event payment is not received by the Village by the 8th day of the following month, there shall be assessed a three percent (3%) late fee on the unpaid invoice.

Such unpaid water service charges levied by the Village against the water users in accordance with the Ordinance shall be a debt due to the Village and shall be a lien upon the property. Service will be discontinued if bill is not paid within twenty (20) days after penalty date. If this debt is not paid before October 1 of each year, notice shall be given to the property owner pursuant to Wis. Stat. § 66.0809(3)(a). Any charges that remain unpaid after November 15 of each year shall be deemed delinquent and may be placed on the next year's tax roll as a

[7] Adopted Ordinance 1-2024 on March 11, 2024. See Village Board meeting minutes.

special charge, as defined by Wis. Stat. § 74.01(4) and be collected as other taxes are collected.

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

21.12 Appeals

(1) **PROCEDURES**. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within 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 Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request.

21.13 Validity

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

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

(3) **AMENDMENT**. The Village, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment.

21.14 Audit

(1) **ANNUAL AUDIT**. The Village shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion among users and user classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement costs, and/or debt service costs.

21.15 Effective Date

(1) **DATE OF EFFECT**. This Ordinance shall take effect and be in force from and after May 16, 2018.

(2) **DATE OF ENACTMENT (APPROVAL)**. Passed and adopted by the Village Board of the Village of Oostburg in the County of Sheboygan, in the State of Wisconsin on the 14th day of May, 2018.