

Village of Arpin Wood County, Wisconsin

Ordinance #28

AN ORDINANCE ESTABLISHING SEWER USE RATES, RULES, REGULATIONS, AND PENALTIES

The Village Board of the Village of Arpin, Wood County, Wisconsin, do ordain as follows:

SECTION 1: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five (5) days at 20 degrees Celsius expressed in terms of weight and volume (milligrams per liter). Quantitative determination of BOD shall be made in accordance with procedures set forth in the "standard method".
- (b) 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.
- (c) 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.
- (d) Garbage means solid wasters from the handling, preparation, cooking, dispensing or storage of food produce and food products.
- (e) Grease Interceptor An appurtenance or appliance that is installed in a sanitary drainage system to intercept non- petroleum fats, oils and grease (FOG) from a wastewater. There are two types of Grease interceptors, Gravity grease interceptors and Hydro mechanical Grease Interceptors.
- (f) Grease Waste means material collected in and from a grease interceptor in the sanitary sewer service line of a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from dewatering processes
- (g) Industrial Waste means solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources and the discharge from sewage pretreatment facilities.
- (h) Person means any individual, firm, company, association, society, corporation, group or other entities discharging into the Sewer System.
- (i) PH means the logarithm (base 10) of the reciprocal of hydrogen ion concentration in grams per liter of solution as determined by acceptable laboratory procedures.
- (j) Pretreatment means application of physical, chemical or biological processes to reduce the amount of pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

- (k) 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.
- (l) Septage means the septic tank wastes and holding tank wastes hauled by certified pumpers.
- (m) Sewage is the water-carried waste created and to be conducted away from residences, industrial and commercial premises, public buildings and other structures and premises with such surface or drain water as may be present.
- (n) Sewer System includes all street laterals, main and intercepting sewers and structures by which sewage or industrial waste is collected, transported, treated or disposed of. This shall not include plumbing inside or in connection with buildings served or service sewers from a building to a street lateral.
- (o) Sewer Tap the connection point of the lateral to the main sewer line.
- (p) Slug means any discharge of water or waste water which, in concentrations of any given constituent or in quantity of low, exceed, for any period of duration longer than fifteen minutes, more than five times the average twenty-four-hour concentration or flow during normal operation, which adversely affects the collection system and/or performance of the wastewater treatment plant.
- (q) Standard Methods means the examination and analytical procedures set forth in the most recent edition of "Standard methods for Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Federation of Sewage and Industrial Wastes Association.
- (r) Street Lateral means that part of the sewer system designed for connection to a building sewer, extending from the street main to the private property line.
- (s) Suspended Solids (SS) means total suspended matter that either floats on the surface of or are in suspension in water, sewage or other liquids and which are removable by a laboratory filtration device. Quantitative determination by a laboratory filtration accordance with procedures are set forth in "standard methods".
- (t) Unit of Service means a unit of service shall consist of any residential or commercial aggregation of space or area occupied for distinct purpose, such as a residence apartment, house, store or office which is equipped with one or more fixtures for sewer service and use separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for addition consumers assessed accordingly. When a user's premises has several buildings, each supplied with service, each separate service shall be considered a unit of service, except for industrial users, which shall be billed on the basis of one user charge factor for each 15 employees, regardless of number of locations served.
- (u) User means any person discharging domestic wastewater or industrial wastes into the collection system.
- (v) User charge means that charge to users of the Village wastewater collection systems, which adequately provides for proportionate recovery of operation and maintenance costs, debt retirement and required contribution to reserve accounts on the basis of units of service.
- (w) User Charge Factor. Shall be defined as the presumed equivalent sewer use of one residential unit of service.
- (x) Village shall mean the Village Board or their authorized deputy, agent or representative. Approving authority and Village are used interchangeably.

- (y) 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 ground water, surface water and storm water that may be present, but not intentionally admitted.
- (z) Wastewater Domestic Strength shall mean water-carried wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and containing an average concentration of BOD at or below 200 mg/l and an average concentration of suspended solids at or below 200 mg/l.
- (aa) 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.
- (bb) Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (cc) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit is a document issued by the Wisconsin State Department of Natural Resources, which established effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

SECTION 2: GENERAL

- A. Control of Sewer System. Control of the Sewer System for the Village of Arpin is vested in the Village Board; all records, minutes and the secretary of the Village Board thereof shall keep all written proceedings; the treasurer of the Village Board shall keep all financial records. The Village Board may appoint a Sewer Utility Committee to enforce this ordinance, or may directly control Sewer Utility operations, at its option. Hereafter, all references to the Village or Village Board shall apply to such committee, if appointed, where appropriate.
- B. Village Authority. The Village Board 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 and public grounds of the Village and any property serviced by the Sewer System; and generally, to do all the work as may be found necessary or convenient in the management of the Sewer System. The Village Board members shall have power by themselves, their officers, agents and servants to enter upon any land for the purpose of making examination or supervision 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, all real and personal property which may be necessary for the construction of the Sewer System, or for any repair, remodeling or additions thereto.
- C. Condemnation of Real Estate. Whenever any real estate or any easement therein or use thereof shall in the judgment of the Village Board 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 Board 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, if Federal Funds are used.
- D. Title to Property. All property, real, personal and mixed acquired for the construction of the Sewer System, and all plans, specifications, diagrams, papers books and records connected with said Sewer System, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the Village of Arpin.
- E. Ownership. The Village of Arpin is responsible for the sanitary sewer main. The property owner is responsible for the sanitary sewer lateral from the property owner's building to the connection tap

and saddle at the main line. 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. If the property owner does not repair within 24 hours, any break between the sewer tap and the building allowing clear water infiltration, the service may be repaired by the Village of Arpin and back charged to the property owner.

- F. Utility Responsibility. It is expressly provided that no claim shall be made against said Village of Arpin or the Village Board by reason of the breaking, clogging, stoppage or freezing of any service pipe. Whenever it shall become necessary to shut off the sewer service within any district serviced by said Village of Arpin, the Village Board shall, if practicable, give notice to each and every user within said area serviced by the Village of Arpin of the time when such service will be so shut off.
- G. Septic Tanks Prohibited. This Ordinance ordains that the failure to connect o the Sewer System is contrary to the minimum health standards of said Village of Arpin and fails to assure preservation of public health, comfort, and safety of said Village of Arpin. The maintenance and use of Septic Tanks and other sewage disposal systems within the area of the Village of Arpin serviced by its Sewer System are hereby declared to by a public nuisance and a health hazard. The use of Septic Tanks or any private sewage disposal systems within the area serviced by the Village of Arpin Sewer System shall be prohibited, except as specifically authorized by the Village by written contract or permit.
- H. User Rules and Regulations. The rules, regulations and sewer rates of the Village hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the Sewer System of the Village of Arpin; and every such person, company or corporation, by connecting with the Sewer System, shall be considered as expressing his or their assent to bound thereby. The right is reserved to the Village to change the said rules, regulations and sewer rates from time to time, as they may deem advisable; and make special rates and contracts in proper cases.
- I. Adoption of Other Rules. There are hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of Wood County, the Department of Industry, Labor and Human Relations and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of Arpin Sewer System.
- J. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Village Board hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase thereof, sentences, clauses and phrases are declared unconstitutional or otherwise invalid.

SECTION 3: OPERATION OF VILLAGE SEWER SYSTEM

- A. The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established:
 - 1. 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.
 - 2. Installation of Building Sewers.
 - a. All building sewers (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing".

- b. A designated representative of the Village will inspect all building sewers under construction. The building sewers and/or private interceptor main sewers shall be inspected upon completion of placement of the pipe and before backfilling, and tested before and after backfilling. Any sewer that is backfilled prior to inspection shall be re-excavated to allow said inspection.
- 3. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises for alterations, extensions or attachments unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village Board.
- 4. Tapping the Mains.
 - a. No person except those having a permit from the Village Board or persons in their service and approved by them will be permitted under any circumstances to tap the collection pipes. The kind and size of the connection with the collection pipe shall be that specified in the permit or order from said Village Board.
 - b. Collection pipes should always be tapped on the top and not within six inches of the joint, or within 24 inches of another lateral connection.
- 5. Excavations.
 - a. In making excavations in streets or highways for laying service pipe or making repairs, the planks, paving stones and earth removed must be deposited in a manner that will occasion the least inconvenience to the public and provide for the passage of water along the gutters.
 - b. 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.
 - c. 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 rammed or tamped to prevent settling. And 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 Board. No opening of the streets for tapping collection pipes will be permitted when the ground is frozen.
- 6. Report of Connection. It shall be the duty of such licensed plumbers, within 48 hours before commencing any attachment or connection, to make full statement in writing to the Village Board or its designated representative describing the ordinary and special uses for which the sewer service will be provided, together with a description of all the apparatus and special treatment that may be called for. Sewer Service will not be provided to any premises until the plumber makes such complete reports.

B. Connection:

- 1. Mandatory Hook-up. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 30 days after sewer service becomes available. Upon failure so to do the Village may, within thirty (30) days of notice in writing of its intention to do so, 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 assess as a special tax lien against the property as provided at Section IV, Paragraph B.5.e, below. Provided, however, that the owner may within thirty (30) days after the completion of the work file a written request with the Village and ask that he be able to pay such cost in not more than

five (5) equal annual installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) per annum from the completion of the work, the unpaid balance being a special tax lien.

In lieu of causing such connection to be made, in addition to any other penalties provided by this Ordinance, the Village Board 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.

2. Application for Service. Every person wishing to connect with the Sewer System shall file an application in writing to the Village Board in such form as is prescribed for that purpose.
 - a. No user shall introduce industrial waste into the system except by special contract with the Village of Arpin, as provided at Section III, paragraph C. 4. below. An application for disposal of industrial waste shall include:
 1. Estimated volume of waste,
 2. Variations in rate of discharge,
 3. Characteristics of waste and
 4. Strength of waste.
 - b. The Clerk of the Village Board shall supply Service application blanks. Each application must include complete and accurate information regarding the intended use for service and the complete legal description of the property to be served.
 - c. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application, or approve the application conditionally requiring such changes as may be necessary and appropriate. If the Village shall approve the application, it shall issue a Wastewater Discharge Permit for services as shown on the application.
3. User Contribution Charge. Upon issue of a Wastewater Discharge Permit after the date of the passage of this Ordinance the User shall pay all costs of said hookup. This charge shall apply to all categories of users.

C. User Regulation:

1. User to Keep in Repair. All users shall keep their own lateral and service pipes in good repair and protected from frost, roots, etc. at their own risk and expense; and shall prevent any unnecessary waste of water and overburdening of the Sewer System. The applicant shall pay all expenses relating to the introduction of sewer service into buildings or private premises and connection with the Sewer System.
2. Multiple User Prohibited. No user shall allow others or other services to connect to the Sewer Systems through his lateral, unless permitted by the Village Board.
3. User to Permit Inspection. Every user shall permit the Village Board or their duly authorized agent, at all reasonable hours of 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.
4. Use of Sewerage System:
 - a. Monitoring Industrial Users: If industrial users desire to use the system, a separate contract relating to the said industrial user's uses of the Sewer System must be

entered into with the Village Board. At that time, it is anticipated that as a part of the contract the proper procedure for monitoring and sampling the industrial waste discharged by said industrial user would be established by the contract.

b. Restrictions with respect to sewage to be discharged to the Sewer System:

1. No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, ground water, roof runoff or surface drainage from any basement drains or sump pumps.
2. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described liquids or solid waste to any sanitary sewer:
 - a. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius);
 - b. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin, or other flammable or explosive liquid, solid or gas;
 - c. Wastewater from industrial plants containing floatable oils, fats, or grease in excess of 100 parts per million by weight;
 - d. 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.
 - e. Water or wastes containing iron, chromium, chloride, copper, zinc and similar objectionable or toxic substances to such degree that any such material at the point of discharge exceeds the limits established by the approving authority in compliance with State and Federal regulations or which interferes with sewage treatment process or creates a hazard to the public or animals.
 - f. Water or wastes containing odor-producing substances exceeding limits, which may be established by the approving authority in compliance with State regulations or to abate a public nuisance or as required for public health or safety.
 - g. Radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the approving authority in compliance with State regulations or in the interests of public health and safety.
 - h. Quantities of flow, concentration, or both, which constitute a "slug" as defined in Section I, Paragraph M.
 - i. Water or wastes containing substances that 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 the WPDES permit.

- j. Water or wastes which, by interaction, with other water or wastes in the Sewer System, release unusually obnoxious gases, form or contain suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- k. Materials that 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 plant.
 - ii. Unusual volume of flow or concentration of wastes constituting "slugs".
 - iii. Unusual concentrations of inert suspended solids, such as fuller's earth, lime slurries and lime residues, or of dissolved solids, such as sodium sulfate.
 - iv. Excessive discoloration, such as dye wastes and vegetable tanning solutions.
- l. Septage, except as provided at Section III, Paragraph C. 9
- m. Any waters or wastes having pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- n. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or sticky substance capable of causing obstruction to the flow in sewer pipes or other interference with the proper operation of the sewage works.

5. Special Treatment or Practices (FOG):

- a. Use of grease, oil and sand interceptors are required, at user's expense, when in the opinion of the Village they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.
 - 1. New Facilities. Food processing or food service facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease interceptors shall be installed by a licensed plumber and inspected by the sewer operator/Village employee.
 - 2. Existing Facilities. Existing grease interceptors must be operated and maintained in accordance with the manufacturer's recommendations, unless specified in writing and approved by the Village Board.
- b. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

- c. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense and shall be in continuously efficient operation at all times.
6. Pretreatment Facilities:
 - a. Where pretreatment facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.
 - b. When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
7. Accidental Discharges: Each User shall provide protection from accidental discharge of prohibited or regulated materials or substances established by the Ordinance. Users shall notify the Village immediately upon occurrence of a "slug load" or accidental discharge or substances prohibited by this Ordinance and shall follow up within 48 hours with a written report. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Signs shall be permanently posted in conspicuous places on all Commercial and Industrial Users' premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such discharge with respect to emergency notification procedure.
8. Discontinuance of Service. Request for a disconnect will only be issued when a lot is empty, unimproved, building, house removed/razed and sewer lateral is properly capped and inspected by sewer operator and/or Village employee. The Village board must be notified in writing for a sewer disconnect request. The owner of the premises shall be liable for any damage to the property of the system by reason of failure to notify the Village of discontinuance and any such damage, which may be caused to the property of the system by such discontinuance, other than through the fault of the Village.
9. Septage and Holding Tank Waste Disposal.
 - a. Permit for Septage Disposal. At the discretion of the Village, Septage permits may be issue for such charges and on such conditions as may be hereafter determined to be consistent with proper operation of the wastewater treatment facilities and serve an established public need. 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 of the Village of Arpin unless a disposal permit has first been obtained from the Village Board.
 - b. Application for Disposal Permit. Every licensed Septage disposer wishing to discharge Septage to the wastewater treatment facility shall file an application in writing to the Village in such a form as may be prescribed for the purpose, or if no form is prescribed, the application must state fully and truly the type, frequency, quantity, quality and origin of Septage or holding tank sewage to be disposed in the wastewater treatment system. The application shall also state the name and address of the applicants; and the size, make, model and license number of each disposal unit. Permits shall not be transferable. Permit application shall include payment of a nonrefundable application fee of \$25.00.
 - c. Disposal Permit. The Board may impose, on any permit granted, such conditions as it deems necessary to assure proper operation of the Village wastewater collection

and treatment systems and WPDES permit compliance. The permit shall designate, at a minimum, the exact location of disposal into the system, the maximum quantity allowed per day and the time or times the septic or holding tank wastes can be discharged into the Village's system. The terms of the permit may be modified at any time to include suspension of disposal privileges under the permit, as necessary to insure proper operation of the Sewer System.

- d. Regulation of Waste. The septic tank or holding tank wastes disposed of in the Arpin treatment system shall be of domestic origin only. The Permittee shall comply with all applicable provisions of the Village ordinances and paragraph IV. C. 4., Pages 9-11 of this ordinance, and shall not allow any earth, sand or other solid materials into the Village of Arpin system.
- e. Insurance required. Any person or party disposing of septic tank or holding tank waste into the Village treatment system agrees to carry public liability insurance in an amount not less than two million dollars (\$2,000,000) to protect the Village and any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish proof of insurance upon application and such further proof of insurance as the board may require from time to time during the term of the permit.
- f. Indemnity. The person or party disposing of septic tank or holding tank wastes shall by acceptance of the Village disposal permit agree to indemnify and save harmless the Village from any and all liability and claims for damages arising out of or resulting from claims for damages arising out of or resulting from exercise of the privilege conferred by such permit.
- g. Sampling. The treatment plant operator shall record the volume disposed of by each Permittee. He may collect one sample from each disposal load and analyze the sample for BOD and suspended solids to confirm the type and character of the waste, and that it is from domestic origin. Permittee shall be billed for all test costs, as set out in Appendix.
- h. Charges for disposal. Charges for disposal of septic tank and holding tank wastes shall be determined according to the methodology presented in the Appendix to this ordinance. The charges shall be reviewed at least annually by the Board and may be approved or modified by resolution, without notice. The bills for septic tank and holding tank waste disposal shall be determined and mailed on a monthly basis. If payment is not received within 30 days thereafter, disposal privileges shall be suspended.

SECTION 4: USER CHARGES

- A. Policy. It shall be the policy of the Village of Arpin to obtain sufficient revenues to pay the cost of (i) the annual debt retirement payment on any bonded indebtedness, (ii) any required cash reserve account payment, and (iii) operation and maintenance of the sewage system, including a replacement fund (i.e. a segregated cash account to be used solely 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.
- B. User Classification:
 - 1. Residential: A single-family dwelling or individual apartment.

2. Dry Commercial: Commercial enterprises which do not require water as an inherent part of their processes, and having five or less full-time employees and a wastewater contribution of 560 gpd or less. Dry commercial users shall be charged on the basis of 1.5 user charge factors.
 3. Wet Commercial: Commercial enterprises which require water as an inherent part of their processes or services, and having ten or less full-time employees and a wastewater contribution of 700 gpd or less. Wet Commercial users shall be charged on the basis of 2.5 user charge factors.
 4. Public: The existing churches, library, legion hall are public users. For rate purposes these users are classified as dry commercial.
 5. Industrial: Any sanitary sewer user with a daily waste flow in excess of 700 gpd or having ten or more employees.
 6. A building having multiple uses shall be assessed separate user charges for each distinguishable use. For example, a commercial establishment with separate attached apartments will be responsible for separate user fees for commercial use and each separate residential unit.
 7. The Village shall, upon the enactment of this Ordinance, review all existing extensions of service and cause each user to be placed in the appropriate category for service. Thereafter the Village shall have the responsibility for assigning new applicants for service to the appropriate category for service. In arriving at the appropriate user classification, the Village shall consider the criteria set forth herein and such other factors as it may deem relevant in order that charges for service will reflect the cost of the user to the system as a whole.
 8. Any person disagreeing with the user classification determined by the Village may apply in writing to the Village Clerk for review of such classification, stating the reasons for such disagreement. The Village shall consider the application for review at an open meeting of the Sewer Utility and shall take into consideration the classification of similar users, the provisions of the ordinance and any special factors affecting specific property. The decision of the Village shall be made by resolution and shall be final except for judicial review. The Village may assess the applicant for review the costs of monitoring, testing or other investigation costs incurred by the Village in conducting such review, whether or not reclassification is approved.
- C. Computation of User Charges. The Village Board will set user charges based upon operations and maintenance. Charges will be set by resolution and will be voted on yearly to set fees.
- D. Collection of User Charges.
1. Billing. Billing for sewer service shall be rendered quarterly and become due and payable on the fifteenth day of the month following the period for which service is rendered. A penalty of 5% will be added to bills not paid on time.
 - a. Billing rule: On October 15th in each year notice shall be given by the Treasurer to the owner or occupant of all lots or parcels of real estate to which sewer service has been furnished prior to October 1st and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing, shall state the amount of such arrears, including the penalty assessed as hereinabove provided, and that unless the same is paid by November 1st thereafter and additional penalty of 10% of the amount of such arrears will be added thereto, and that unless such arrears, with any such added penalty shall be paid by November 15th thereafter, the same will be

levied as a tax against the lot or parcel of real estate to which the sewer service was furnished and for which payment is delinquent as above specified, all pursuant to s. 66.076 (7) of the Wisconsin Statutes.

- b. New Construction Billing: New construction will begin receiving quarterly billing statements when the lateral is installed on the property.
 2. Failure to receive bill no penalty exception. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not release any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty thereof.
 3. Responsibility. The property owner and any occupant are held jointly liable for all sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and delivered to the premises referred to on such bill or notice, or to owner's residence if no postal service is available at the premises.
- E. Charges are a lien on property. The sewer service charges incurred including user contribution charges, quarterly user charge, or standby charge not collected when due may be taxed and shall be a lien upon the property served in the same manner as prescribed and in accordance with the provisions of Section 66.069 (1) of the Wisconsin Statutes, which is hereby incorporated herein so far as applicable and not inconsistent herewith.

Each such delinquent amount, including penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lots or parcels of real estate. If the property is not located within Village jurisdiction and the charges are delinquent a small claim suit will be filed and service will be suspended.

SECTION 5: ENFORCEMENT

- A. Penalties. Any person who shall violate any of the provisions of this Ordinance or other applicable rules or regulations of the Village of Arpin, 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 be cited for such violation and upon conviction thereof be fined \$500.00 and the costs of prosecution. Each day in which any violation is continued beyond and applicable notice time limit shall be deemed a separate offense.
- B. Emergency Suspension of Service and Discharge Permits. The Village may, for good cause shown, order the suspension of wastewater collection service of a User when it appears to the Village that an actual or threatened discharge presents or threatens an imminent or substantial danger to the environment, interferences with the operation of the Sewer System or any of its facilities, violation of any pretreatment limits imposed by this Ordinance or other order of the Village, or any Wastewater Discharge Permit issued pursuant to this Ordinance. Any user notified of the suspension of the Village sewer collection service and/or the User's Wastewater Discharge Permit shall, within the time set by the Village, cease all discharges to the Village Sewer System. In the event of failure of the User to comply voluntarily with the suspension order within the specified time, the Village may commence judicial proceedings to compel the User's compliance with such order. The Village may reinstate the Wastewater Discharge Permit and/or the wastewater collection service and terminate any judicial proceedings pending upon proof by the User of elimination of the non-complying discharge or condition creating the threat of imminent or substantial danger as set forth above.

C. Termination of Service. The Village may terminate the sewer service of any User who:

1. Fails to factually report the wastewater constituents and characteristics of its discharge when requested to do so by the Village.
2. Discharges into the Sewer System any substance prohibited by Section III, Paragraph C. 4. b.;
3. Fails to report significant changes in wastewater constituents or characteristics, which may adversely affect operation of the Sewer System.
4. Refuses reasonable access to the User's premises by representatives of the Village for the purpose of inspection or monitoring.
5. Fails to pay any applicable sewer related charges after they become due.
6. Violates the conditions of its permit, or this Ordinance, or any final judicial order, or any special sewer agreement entered with respect thereto.

D. Notification of Violation – Administrative Adjustment. Whenever the Village finds that any User has engaged in conduct which justifies termination of sewer service or Wastewater Discharge Permit, pursuant to Section 5, Paragraph C, above, it shall serve or cause to be served upon such User a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty (30) days of the date of receipt of the notice, the User shall respond personally or in writing to the Village regarding its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof. Administrative action regarding termination shall not be a defense to or otherwise affect any liability for penalty under Section 5, Paragraph A, above.

E. Show Cause Hearing. Where violation giving cause for termination pursuant to Section 5, Paragraph C is not corrected by timely compliance with an Administrative Adjustment, by the Village may order any User which causes or allows conduct prohibited by the ordinance to show cause before the Village Board or its duly authorized representative why enforcement action should not be taken. A written notice shall be served on the User by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the Village Board or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action and directing the User to show cause before the Village Board or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a User. The evidence presented at the hearing shall be considered by the Village Board, which shall then enter appropriate orders with respect to the alleged improper activities of the User. The User in accordance with applicable state law concerning Administrative Appeals may take appeal of such orders. Enforcement action and appropriate penalties will not be stayed during the pendency of any appeal unless so ordered by a court of record of the Village Board.

F. Judicial Proceedings. Following the entry of any order by the Village Board with respect to the conduct of a user contrary to the provisions of this ordinance the Attorney for the Village may, following the authorization of such action by the Village Board, commence an action for appropriate legal and/or equitable relief in the appropriate court.

G. Repeat Offense. In the event of repetitive violations of this ordinance as set forth at Section 5, Paragraph D shall be deemed waived, and enforcement under paragraph E may be immediately commence.

H. Recovery of Damage. In addition to any other penalty provided by this Ordinance or other law, the Village of Arpin shall have the right of recovery from any responsible persons of any expense incurred by the Village:

1. For penalties imposed on the Village due to a violation of this Ordinance or any other law;

2. For correction of conditions impairing the proper operation of the Sewer System and the repair or replacement of any sewer pipe or other property of the Sewer System damaged in any manner by any negligent or intended act or omission by such person or by others under their control;
3. For actual costs of enforcement of this ordinance, including reasonable attorney's fees, to the extent not prohibited by other applicable law.

SECTION 6: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with this ordinance heretofore enacted by the governing body or the Village of Arpin are hereby repealed.

SECTION 7: SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions, sections, sub sections, paragraphs, clauses or phrases of this Ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstance shall not be affected thereby.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect upon passage by a majority vote of the members elect of the Village Board and be in force after passage and publication as provided by law.

Adopted this 11th day of June, 2025

John Esser
Village President

Jill Richardson
Clerk/Treasurer

Date Signed