

ORDINANCE NO. 2-2009

AN ORDINANCE PROVIDING FOR THE THE REPEAL OF CHAPTER XIX, SEWERAGE SYSTEMS AND CHAPTER XXIV, HOLDING TANKS, OF THE (FORMER) TOWN OF ROCHESTER CODE OF ORDINANCES, THE REPEAL OF CHAPTER 10, SEWER SYSTEM, OF THE VILLAGE OF ROCHESTER MUNICIPAL CODE, AND THE ENACTMENT OF THE RECREATED CHAPTER 10, PUBLIC AND PRIVATE SEWAGE SYSTEMS, OF THE VILLAGE OF ROCHESTER MUNICIPAL CODE, WHICH WILL APPLY TO THE ENTIRE CORPORATE LIMITS OF THE CONSOLIDATED VILLAGE OF ROCHESTER

WHEREAS pursuant to Section 6 of “An Ordinance Providing for the Consolidation of the Village of Rochester and the Town of Rochester Pursuant to Sec. 66.0029, Wis. Stats” and the referendum conducted in the Village of Rochester and the township formerly known as the Town of Rochester thereby ratifying and approving said ordinance (the “Consolidation Ordinance”), that the general ordinances for the former Town of Rochester shall be enforceable by the consolidated Village within the boundaries of the Town as they existed in the day prior to the effective date of the consolidation of the Town and Village of Rochester until such time as they are amended, repealed or otherwise modified by the Village Board; and

WHEREAS pursuant to Section 9 of the Consolidation Ordinance, the ownership of the assets of the Village of Rochester Sewer Utility and the Town of Rochester Sewer Utility District No. 1 were transferred to the Village, and the Village Board became responsible for the operation of each sewer utility; and

WHEREAS Section 9 of the Consolidation Ordinance allows the Village to continue to treat the sewer utilities as separate entities for regulation purposes, but does not require it to do so; and

WHEREAS it is in the best interests of the consolidated Village, for its commercial benefit and the health, safety and welfare of its citizens, to immediately eliminate any distinction between the sanitary sewer utilities and treat them as one utility for all purposes, including regulation and rate setting purposes; and

WHEREAS the Western Racine County Sewerage District No. 1 (WRCSD) has recently imposed strict guidelines for mercury minimization for certain sewer users that must be incorporated into the public sewer system ordinance; and

WHEREAS it is necessary to adopt standards for private on-site wastewater treatment systems for areas where no public sanitary sewer is available:

NOW, THEREFORE, the Village Board of the Village of Rochester does ordain as follows:

SECTION 1. That Chapter XIX, Sewerage Systems, and Chapter XXIV, Holding Tanks, of the Town of Rochester Code of Ordinances is hereby repealed in its entirety, and Chapter 10, Sewer System, of the Village of Rochester Municipal Code, is hereby repealed in its entirety, providing however, that any right or liability established, accrued or incurred under any provision of said

ordinances prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability are saved from repeal, and all agreements entered into by and between the Town of Rochester and any person pursuant to said ordinances shall continue and shall be enforceable by the Village of Rochester as successor in interest to the Town.

SECTION 2. That pursuant to the provisions of Section 9 of the Consolidation Ordinance, the entirety of the public sewer system located within the entire corporate limits of the consolidated Village of Rochester shall be deemed to be fully interconnected for all purposes.

SECTION 3. That Chapter 10 of the Village of Rochester Municipal Code, Public and Private Sewer Systems, attached hereto as though fully set forth herein, is hereby recreated and adopted in its entirety, and shall apply within the entire corporate limits of the consolidated Village of Rochester.

SECTION 4. That the rate structure for the combined Sewer Utility shall be adopted by Resolution of the Village Board from time to time.

SECTION 5. This ordinance and the provisions created hereunder shall be effective after its adoption and publication as allowed by law.

Introduced: February 23, 2009

Adopted: February 23, 2009

VILLAGE BOARD
VILLAGE OF ROCHESTER

By: _____
Co-Village President

By: _____
Co-Village President

ATTEST:

Betty J. Novy, Village Clerk

CHAPTER 10 PUBLIC AND PRIVATE SEWER SYSTEMS

ARTICLE I PUBLIC SEWAGE SYSTEM

10.01 DEFINITIONS. As used in this Article, the following terms shall have the meanings indicated.

AMMONIA NITROGEN (NH₃-N) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄⁺. Quantitative determination of Ammonia Nitrogen shall be made in accordance with procedures set forth in Standard Methods.

APPROVING AUTHORITY shall mean the Western Racine County Sewerage District No. 1 (WRCSO) or its duly authorized deputy, agent, or representative.

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

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.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection. Once constructed, the portion of the building sewer located within the public right of way or public utility easement shall be considered an integral part of the public sewer, and maintenance of this portion shall become the responsibility of the Sewerage District.

CHLORINE REQUIREMENT shall mean the amount of chlorine, in milligrams per liter, which must be added to wastewater to produce a specified residual chlorine content in accordance with procedures set forth in Standard Methods.

COMBINED SEWER shall mean any sewer intended to serve as a sanitary sewer and a storm sewer.

COMMERCIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall also include multi-family residences having three or more units served by a single meter.

COMPOSITE SAMPLE (24 hours) shall be the combination of individual samples taken at

intervals of not more than one hour.

COMPATIBLE POLLUTANT means biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

EASEMENT shall mean an acquired legal right for the specific use by the Village and/or WRCSD of land owned by others.

FIXED CHARGE shall mean the charge for the cost of debt retirement associated with the construction, erection, modification, or rehabilitation of the wastewater treatment works.

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

FLOW PROPORTIONAL SAMPLE shall mean a sample taken that is proportional to the volume of flow during the sampling period.

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.

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

INCOMPATIBLE POLLUTANT means any pollutant which is not a compatible pollutant.

INDUSTRIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

INDUSTRIAL WASTE shall mean any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary convenience.

INSTITUTIONAL USER shall mean any user whose premises are used primarily for the conduct of activities of a social, charitable, or educational character.

INTERCEPTING SEWER shall mean a sewer whose primary purpose is to convey wastewater from a collection system or systems to a wastewater treatment plant. Size of the sewer is not a factor.

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 groundwaters.

NORMAL DOMESTIC WASTEWATER shall mean sanitary wastewater resulting from normal domestic activities, in which BOD 5, SS, and P concentrations do not exceed normal concentrations of:

- (1) A five day, 20 degree C, BOD of not more than 290 mg/1.
- (2) A suspended solids content of not more than 345 mg/1.
- (3) A phosphorus concentration of not more than 10 mg/1.

OPERATION AND MAINTENANCE (O&M) shall include all costs associated with the operation and maintenance of the wastewater collection system, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the collection system.

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.

PH shall mean the logarithm (base 10) 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^{-7} .

PHOSPHORUS (P) shall mean total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in "Standard Methods".

PRETREATMENT shall mean an arrangement of devices and structures, for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.

PUBLIC AUTHORITY shall mean any user whose premises are used for the conduct of the legislative, judicial, administrative, or regulatory activities of federal, state, local, or international units of government; government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments.

PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the Western Racine County Sewerage District No. 1. It shall also include sewers within or outside the District boundaries that serve one or more persons and ultimately discharge into the District sanitary sewer system, even though those sewers may not have been constructed with District or municipal funds.

REPLACEMENT means expenditures for processing and installing equipment, accessories, and appurtenances necessary during the useful life of the collection system to maintain its designed capacity and performance. Replacement funds will be contained in a separate designated account established for such purposes.

RESIDENTIAL USER shall mean any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including dwellings classified as Commercial Users.

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

SANITARY WASTEWATER shall mean a combination of water carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

SEGREGATED DOMESTIC WASTES may be defined as wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.

SEWAGE shall mean the spent water of a community. The preferred term is "Wastewater."

SEWAGE SYSTEM shall mean the composite network of underground conduits carrying wastewater and appurtenances incidental thereto (i.e., manholes, lift stations, service laterals).

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

SEWER SERVICE CHARGE shall mean a charge levied on users of the wastewater collection and treatment facilities for capital-related expenses and services unique to that user.

SEWER USE CHARGE shall mean the charge levied on users of a sewer system and treatment works for the user's proportional share of the cost of operation and maintenance (including replacement) of such system and works.

SHALL is mandatory; MAY is permissible.

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

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and

Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federal of Sewage and Industrial Wastes Associations.

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

STORM WATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

SUSPENDED SOLIDS (SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquid, and that are removable by laboratory filtering as prescribed in Standard Methods and are referred to as nonfilterable residue.

TREATMENT CHARGE shall mean a charge for the treatment of wastewater.

UNMETERED USER shall mean a user who is not connected to a municipal water system and thereby does not have his private water supply metered.

UNPOLLUTED WATER shall mean 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.

USER CHARGE SYSTEM shall mean that system which generates operation, maintenance, replacement, project, debt service and retirement, and treatment revenues equitably for providing each user class with services.

USER CLASSES shall mean categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this Article, there shall be four (4) user classes: residential, commercial, industrial, and public authority.

VOLUME CHARGE shall mean a sewer use charge based upon the volume of wastewater to be transported.

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.

WASTEWATER FACILITIES shall mean the treatment works defined herein exclusive of interceptor sewers, and wastewater collection systems.

WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for the storage, treatment recycling, and reclamation of wastewater, liquid industrial wastes, and

sludge. These systems include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal or industrial wastes.

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

WPDES PERMIT shall mean the permit issued under the Wisconsin Pollutant Discharge Elimination System, Wisconsin Statutes and Administrative Code.

WRCSD – See Approving Authority

10.02 PURPOSE.

To provide for adequate collection and disposal of sanitary sewage from within the Village of Rochester, the Village Board of the Village of Rochester deems it necessary and proper to provide for the construction and operation of a public sewerage system as hereinafter set forth.

10.03 ADOPTION OF CODES.

- (1) Wisconsin State Plumbing Code. The provisions of the Plumbing Code, chapters Comm 81-87 of the Wisconsin Administrative Code of the State of Wisconsin and other applicable provisions of the Wisconsin Administrative Code, and all amendments thereof and additions thereto in effect from time to time are incorporated hereby by reference thereto with the same force and effect as though set forth herein; provided, however, that if there shall be any conflict between the provisions of these sections or other ordinances of the Village and said Code at any specified time, that provision shall govern which requires the maximum of compliance or is the more restrictive. The provisions thereof and of these sections shall govern all plumbing as therein defined and no plumbing shall be installed except in accordance with said Code and these sections.
- (2) Western Racine County Sewerage District Ordinances and Regulations. The provisions of the ordinances and regulations of Western Racine County Sewerage District, a metropolitan sewerage district in Racine County, and any amendments thereto, shall apply to and govern installations made pursuant to a contract between the Village and Western Racine County Sewerage District, with the same force and effect as though fully set forth herein.

10.04 CONFLICT.

If there is any conflict among or between the Village ordinances, the Plumbing Code of the State of Wisconsin and the ordinances and regulations of the Western Racine County Sewerage District, the provision which is most restrictive shall govern.

10.05 COMPULSORY CONNECTION AND CHARGES.

(1) Compulsory Connection.

- (a) The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, including milk houses, situated within the Village of Rochester and abutting on any street, alley, right-of-way or public utility easement in which there is now located or may in the future be located a public sanitary sewer within 300 feet of the premises, is hereby required at the Owner's expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this Article within six (6) months after the date of official notice from the Village and/or Approving Authority to do so.
- (b) If any person fails to comply after the expiration of the time provided by the notice set forth in subsection (a), the Village may impose a penalty equal to 150 percent of the minimum quarterly User Fee found in the user charge system for each quarter until such time as the connection is made by the Owner. After a period of twelve (12) months from the date of official notice, the Village may cause connection to be made. In the latter case, the expense thereof and the Connection Fee shall be assessed as a special charge or special tax against the property. The Owner may, within thirty (30) days after the completion of the work, file a written option with the Village stating that he or she cannot pay the amount in one sum and asking that it be levied in not to exceed five (5) equal annual installments, and the amount shall be so collected with interest at the rate of ten (10) percent per year from the completion of the work, the unpaid balance to be a tax lien. The applicable sewer fees and charges contained in the user charge system shall take effect as of the day a connection to the sewer is made. No portable or temporary sanitary facilities shall be allowed within the Village without approval of the Village and/or the Approving Authority.

When extension of the public sanitary sewer is reasonable, the Village may require such extension to serve new development.

- (2) When No Sewer is Available. In the event that no sanitary sewer main is available for connection within the distance set forth in subsection (1), the owner shall proceed pursuant to Article II of this Chapter. No private waste disposal system or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or the use thereof changed, without full compliance with Article II. A zoning permit for a principal structure or an addition thereto may not be issued until evidence of such compliance is provided to the Zoning Administrator.

10.06 BUILDING SEWERS AND CONNECTIONS.

- (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village as set forth in section 10.14.
- (2) No connections shall be made to any of the sewers of the district from any building,

premises, excavation place or property of any kind whatsoever by any drain, tap, or sewer intended or designated to, or capable of, discharging any matter, whether fluid or solid, into the sewers of the district unless a permit has first been issued therefor by the Village as set forth in section 10.14.

10.07 REPORT OF EXISTING UNSANITARY CONDITIONS.

Whenever it shall be reported to the Village Health Officer by the Plumbing Inspector or Public Works Manager that the plumbing in any building is contrary to the ordinances of the Village of Rochester or is a menace to health or when, upon complaint made to the Health Officer by any person that the plumbing in any building is defective as aforesaid, then the health officer shall direct the Public Works Manager and/or Plumbing Inspector to investigate the cause for complaint in said building and report his findings in writing to the health officer, suggesting such changes as are necessary to put the building in proper sanitary condition. The Health Officer thereupon shall direct such changes to be made as he deems necessary and fix a time for having the same done. Any person refusing to comply therewith shall be deemed guilty of a violation of these sections and each day's continuance thereof shall constitute a separate offense. See also section 10.17.

10.08 SEWERAGE USER CHARGE SYSTEM.

- (1) It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the Village of Rochester to levy and collect charges and fees, including but not limited to user, service, connection and/or other fees and charges, upon all the lands, lots, and premises served by having connections with the Village of Rochester or the Western Racine County Sewerage District sewerage system and additions and served by having connections available with the sanitary sewerage system and additions.
- (2) The proceeds of the charges and fees imposed in this Article shall be used and shall be set aside in separate funds and used solely for sanitary sewer system purposes, including operations and maintenance, equipment replacement, projects, and debt service.
- (3) The annual contribution to the replacement fund shall be determined as follows: Each item of mechanical equipment owned by the Village, and used in the operation of the Sanitary Sewerage System, shall be valued at cost less depreciation to date, and that result divided by the number of remaining years of useful life, and a calculation for inflation. The total of such calculations for each such piece of mechanical equipment shall be the total annual contribution to the replacement fund. The replacement fund shall be segregated and used solely for the purpose of replacement of mechanical equipment by the Village.
- (4) Total revenues generated hereunder, whether by service, user, connection or other charges or fees, shall equal or exceed the total amount needed by the Village for operations, replacement, maintenance, treatment, and for any other charges which the Village incurs in the annual operation of the Sanitary Sewerage System.

10.09 CHARGES AND FEES; METERING.

(1) In General.

- (a) There is hereby levied and assessed upon each lot, parcel of land or premises having any sewer connection with the Village of Rochester or Western Racine County Sewerage District (WRCSD) Sanitary Sewerage System within the Village of Rochester or for which sewer connection is available with the Village of Rochester and/or said WRCSD sanitary sewerage system and additions thereto, sewerage charges and/or fees, as set forth herein.

The amount of said charge or fee shall be an amount determined by the Village Board and set forth in the Fee Schedule, per month, or as set forth elsewhere in this Article, which shall be billed quarterly on or before the 30th day of March, June, September and December of each year.

- (b) In addition to the fee imposed, a further charge of twelve percent shall be added thereto in case of failure to make payment on or before the 20th day of the month following the issuance of a quarterly bill. Said fee shall be payable as directed by the Village Board and shall be collected by the Clerk-Treasurer of the Village of Rochester.
- (c) Each charge or fee levied pursuant to this Article is hereby made a lien upon the lot, land or premises serviced by sewerage connections with the sanitary sewerage system of the Village of Rochester and/or the WRCSD within the Village of Rochester and additions thereto pursuant to law.
- (d) The Village of Rochester shall, at six month intervals, review its schedule of contributions by users of the waste water system and make the necessary alignments to its revenue collection system as deemed necessary to recover actual costs of operation, maintenance, projects, treatment, debt service and retirement, and other costs.
- (e) All users will be notified annually of the portion of user charges attributable to waste water treatment services.
- (f) Users discharging toxic pollutants shall pay for any increased costs of operation and maintenance, including any repair or replacement of the Sewage System or Wastewater Treatment Works, or fines or other costs attributable to the discharge of the toxic pollutants.

(2) User Fees.

- (a) Users of the sewerage system within the Village of Rochester and additions thereto shall be assessed upon the basis of the following allocated Charge Unit, which is based on the accepted estimated volume of sewage generated by a single family residential dwelling:

Type of User	Charge Units
Single family dwelling	1
House trailer	1
Multiple family dwelling	1 per each living unit
Store	1 to 4
Tavern	2
Bowling alley	1/each 4 alleys
Hotel or Motel	1/each 4 rooms
Lunch room	1 to 2
Restaurant	1 to 2
Restaurant and Bar	4 to 6
Garage	1 to 2
Filling station	1 to 2
School	2 min./1 each 25 pupils
Church	1 to 2
Hall	1 to 2
Office building	1 for each office suite
Post office	1 to 2
Telephone company	1 to 2
Barber shop	1
Beauty parlor	1
Warehouse	1
Club house	2 or more
Refreshment stand	1 to 2
Shops (print, welding, shoemaker)	1 or more
Bakery	1
Funeral Home	1 or 2
Greenhouse	1
Bank	1 to 2
Feed Mill	1

- (b) When a combination of the uses set forth in subsection (a) exists on any premises within the Village of Rochester and additions thereto, the Public Works Manager shall, after consideration of the facts in each such case, determine and set the Charge Unit for such premises. In the event that the owner wishes to appeal the Charge Unit set by the Public Works Manager, the owner may make an appeal to the Village Board. The Board will consider the facts in the case, and shall uphold or revise the decision of the Public Works Manager.
- (c) The determination of the allocated units herein fixed shall be subject to amendment or change from time to time by amending this ordinance with respect to such user charge allocation.
- (d) Where the number of charge units specified in subsection (a) are variable or where the user

is not identified herein, the Public Works Manager shall determine the amount of such charge unit or charge units as shall reflect the volume of sewage as will emanate from such user in comparison with the usual volume emanating from a single family dwelling, using accepted methodology, and shall determine and set the Charge Unit for such premises. In the event that the owner wishes to appeal the Charge Unit set by the Public Works Manager, the owner may make an appeal to the Village Board. The Board will consider the facts in the case, and shall uphold or revise the decision of the Public Works Manager. In the event that the owner of the premises elects to instead install a water meter to accurately measure the sewer usage, the provisions of subsection (3) shall apply.

(3) Service Fee; Metering.

- (a) **Metering of Water for Certain Properties.** An owner of a commercial use, industrial use, or institutional use property, or a property used for a combination of any of these with a residential use (but not a solely residential property), may request, as an alternative to an assignment of a calculated charge unit, the installation of a water meter for the discharger's private well in order to measure the volume of water consumption for the property. When installed, the volume of flow used for computing the User Fee shall be based upon the metered water consumption of the user as shown in the records of meter readings obtained by the Village.
- (b) **Metering of Water for High Strength or Toxic Waste Dischargers.** The Village and Approving Authority may require the discharger of High Strength or Toxic Waste Dischargers to install a water meter for the discharger's private well. When installed, the volume of flow used for computing the User Fee shall be based upon the metered water consumption of the user as shown in the records of meter readings obtained by the Village, except as provided in Section 10.09(3)(c).

In the event that an establishment discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than twenty (20) percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person. Satisfactory evidence shall be evidence obtained by approved metering.

- (c) **Metering of Waste.** Devices for measuring the volume of waste discharged may be required by the Approving Authority or Village if this volume cannot otherwise be determined. When installed, the volume of flow used for computing the User Fee shall be based upon the metered waste discharge of the user as shown in the records of meter readings obtained by the Village.
- (d) **Owner to Install and Maintain Meter.** All metering devices for determining the volume of water and/or waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority and Village. The discharger shall grant access to the premises so that the Village can read the meter

quarterly, or upon reasonable request. The discharger shall provide maintenance records upon request, and, in the event that a meter error or malfunction is discovered, shall perform required maintenance on the meter with the time allowed by the Village. Following approval and installation, such meters may not be removed without the consent of the Approving Authority and the Village of Rochester.

- (e) Service Fee. A Service Fee, in an amount determined by the Village Board and set forth in the Fee Schedule, shall be charged to the discharger quarterly, in addition to the monthly User Fee, to accommodate the Village's costs to monitor and read the meter and its additional administrative costs.

(4) Connection Charge.

A unit connection charge in an amount determined by the Village Board and set forth in the Fee Schedule shall be paid in full for each lot, parcel of land or premises for each new connection before a permit is issued for, or connection is made to, the sanitary sewerage system within the Village of Rochester or additions thereto, unless such a connection charge was previously paid by special assessment or otherwise. When paid, said connection charge shall be credited to the Sewer Utility Operation and Maintenance Fund. All connection charges shall be in accordance with the approved User Charge System and shall be in addition to the building sewer construction costs, sewer user charges, sewer service charges, and any other charges resulting from the connection to the public sewer.

10.10 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 sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. The use of flow proportional composite sampling is preferred.

10.11 FREE SERVICE.

No user shall receive free service or pay a sewer use charge less than the user's proportional share of operation, maintenance and replacement costs.

10.12 USE OF PUBLIC SEWERS.

- (1) Sanitary Sewers. No person shall discharge or cause to be discharged any unpolluted waters as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.
- (2) Storm Sewers. Storm water other than that exempted under Section 10.12 (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 and the Village, to a storm sewer or natural outlet.

- (3) Prohibitions. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or waters to any public sewer.
 - (a) Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
 - (c) Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - (d) Solid or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, or paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.
- (4) Limitations. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in their opinion such more severe limitations are necessary to meet the above objectives. In forming an 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 sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:
 - (a) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - (b) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
 - (c) Any water or waste which may contain more than 100 mg/l of fat, oil, or grease.

- (d) 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.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
- (g) 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.
- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 - (I) Water 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 plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (j) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (k) Materials which exert or cause:
 1. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 2. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 3. 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).
 4. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (l) No wastewater, regardless of character, shall be discharged to the sewage system in such a

manner as to interfere with the designed operation of the collection system or treatment facilities, or to cause the treatment works to exceed the limits presented by the WPDES Permit.

- (5) **Special Arrangements.** No statement contained in this Article shall be construed as prohibiting any special agreement between the Village and Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the function of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Village or Approving Authority without recompense by the person provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.
- (6) **New Connections.** New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport the additional wastewater anticipated to be received from such connections.
- (7) **Control of High Strength - Toxic Wastes Directed to Public Sewers.**
 - (a) **Submission of Basic Data.** Establishments desiring to make a new connection to the public sewer for the discharge of industrial wastes or to add to or change the type of industrial waste being discharged 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, including actual and/or predicted data relating to the quantity and characteristics of the waste to be discharged. Such information shall be provided as per Chapter NR 101 of the Wisconsin Administrative Code.
 - (b) **High Strength - Toxic Discharges.** If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 10.12(4) and which in the judgment of the Approving Authority, may have 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:
 1. Reject the wastes;
 2. Require pretreatment to an acceptable limit for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge; and/or
 4. 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 this Article.
 - (c) The toxic pollutants subject to prohibition or regulation under this Article shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307 (a) of the Clean Water Act of 1977 and subsequent amendments. Effluent

standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307 (a) and associated regulations.

(d) Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307 (b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for existing and New Sources of Pollution.

(9) Control Manholes. Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to 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 establishment discharging the waste, at its expense, and shall be maintained by it 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.

(10) 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.

Sampling shall be conducted 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 establishment 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.

(11) Analyses. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article 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. Sampling methods, location times, durations, 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 establishment discharging them, or its 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 charges. If the measurements, tests and analyses disclose that the results or quantities exceed the limits set forth in this Article, the reasonable cost of making such measurements, tests and analyses shall be borne by the discharger of the wastes.

- (12) Pretreatment. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment of processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.
- (13) Submission of Information. Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.
- (14) Grease And/or Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 10.12(4)(c), 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 the maintaining of these interceptors the Owner (s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by the Owner's personnel must be performed by currently licensed waste disposal firms.
- (15) Mercury Minimization Requirements.
 - (a) Dental Offices.
 1. This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics or prosthodontics, then this section does not apply.
 2. Dental offices in existence on the date of enactment of this section are subject to the deadlines for compliance with this section set forth in subsections 4. through 8. below, as established by the Village and the Western Racine County Sewerage

District No. 1 (WRCSD).

3. All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association, including the installation and use of amalgam separators.
4. Within the shortest reasonable time, but not later than December 31, 2009, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
5. On or before March 31, 2009 each dental office shall submit a schedule for the installation of the amalgam separator required by subsection 4. above.
6. On or before July 31, 2009 each dental office shall submit a report to the Village that certifies the implementation of the management practices required by subsection 3. above and identifies the contractors used to remove amalgam waste within the last twelve (12) months. A copy of this report will be forwarded to WRCSD.
7. On or before December 31, 2009 each dental office shall submit a report providing the following information:
 - a. If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer and the model name.
 - b. If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule and identify the manufacturer and the model name of the amalgam separator that will be installed.
8. If a dental office has provided a report according to subsection (a)7.b. above, then the dental office shall notify the Village of the completion of the installation within five (5) days after completion. A copy of this report will be forwarded to WRCSD.
9. The Village shall provide forms for reporting the information required by sections 5., 6., 7. and 8. above.
10. From the contractor(s) used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor. Dental offices shall make these records available to the Village and WRCSD personnel for inspection and copying upon request.

11. Annually on or before January 31, each dental office shall submit a report to the Village that lists the volume or mass of amalgam waste shipped, the name and address of the destination and the name and address of the contractor(s) used to remove amalgam waste within the previous calendar year. The report shall also set forth all maintenance performed on the amalgam separator within the previous calendar year, including inspections, cleaning, repairs and other maintenance. The Village shall provide forms for reporting the information required by this subsection 11. A copy of this report will be forwarded to WRCSD.
12. Dental offices shall permit the Village and WRCSD to inspect vacuum system, amalgam separator and amalgam waste storage areas if requested. Inspections shall occur during the normal operating schedule of the dental office according to appointments made in advance, as long as this advance notice does not impede enforcement of this section.
13. If a dental office is implementing the management practices required by subsection 3. above and is operating and maintaining the amalgam separator required by subsection 4. above, then with regard to mercury it will not be subject to the regulatory procedures and requirements as set forth elsewhere in Article, however, if the dental office fails to meet such standards, the provisions of this Article, including sections 10.10 and 10.17, shall apply.

(b) Other Facilities.

1. This section applies to all other facilities having the potential to discharge mercury or mercury-containing material to the Village's and WRCSD's sanitary sewer system. Facilities to which this section applies include:
 - a. Medical facilities, including all hospitals, clinics and veterinary facilities that have laboratories.
 - b. School facilities, including all public and private schools with science laboratories, including middle schools, high schools, technical schools, colleges and universities, but not elementary schools.
 - c. Industrial facilities, including all industrial plants that historically or consistently discharge mercury into the wastewater treatment plant and industrial plants with the potential for mercury in their wastewater.
2. The Village shall identify and notify the facilities to be regulated under this section (b) within thirty (30) days after the effective date of this section. All facilities identified after the effective date of this section shall be notified individually by the Village that they are subject to regulation under this section (b).
3. All facilities regulated under this section (b) shall implement best management practices as established by the Wisconsin Department of Natural Resources

(DNR) and the WRCSD. On or before July 31, 2009 each facility regulated under this section shall submit a report to the Village that identifies the management practices already implemented and lists the anticipated dates for implementing the other management practices listed on the report. New facilities identified under subsection 2. above shall submit this report within three (3) months of notification. A copy of this report will be forwarded to WRCSD.

4. By December 31, 2009, all facilities regulated under this subsection (b) shall submit a report to the Village that certifies the implementation of the management practices described in 3. above. New facilities identified under subsection 2. above shall implement best management practices and submit a certification report within six (6) months of submittal of the report required under subsection 3. above. A copy of this report will be forwarded to WRCSD.
5. The Village shall provide forms for reporting the information required by subsections 3. and 4. above.
6. If a facility is implementing the management practices required by subsections 3. and 4. above, then with regard to mercury it will not be subject to the regulatory procedures and requirements as set forth elsewhere in this Article, however, if the facility fails to meet such standards, the provisions of this Article, including sections 10.10 and 10.17, shall apply.

10.13 RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION.

- (1) Right of Entry. The collection system operator or other duly authorized employee of the Village or Approving Authority bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing, in accordance with the provisions of this Article and state laws. The operator, or other duly authorized employee of the Village or Approving Authority 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 facilities for wastewater treatment.
- (2) Safety. While performing the necessary work on private premises referred to in Section (1), the duly authorized Village or Approving Authority employees shall observe all safety rules applicable to the premises established by the Owner or occupant and the Village or Approving Authority shall indemnify the Owner against loss or damage to its property by Village or Approving Authority employees and against liability claims and demands for personal injury or property damage asserted against the Owner and growing out of gauging and sampling operation of the Village or Approving Authority employees; except as such may be caused by negligence or failure of the Owner to maintain safe conditions.
- (3) Identification, Right to Enter Easements. The operator and other duly authorized employees of the Village or Approving Authority 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 the agreement.

10.14 SEWER CONSTRUCTION (BUILDING SEWERS).

(1) Work To Be Authorized.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, building sewer or appurtenance thereof without first obtaining written permits from the Village.
- (b) Work performed on the public sewer or building sewer shall require a Sewer Construction Permit. The fee for this permit shall be in an amount determined by the Village Board and set forth in the Fee Schedule. The connection of the building sewer to the building drain shall require a Connection Permit, the fee for which shall be in an amount determined by the Village Board and set forth in the Fee Schedule. All fees shall be paid prior to the issuance of the permit(s).
- (c) No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving all licenses and permits as are required under the Village of Rochester Municipal Code affecting contractor licenses, plumber licenses or other construction related licenses, as well as any and all licenses as may from time to time be required by the Western Racine County Sewerage District. The permittee shall notify the Village at least 48 hours prior to commencing work or beginning excavation.
- (d) No permit shall be issued to connect any lot, excavation or open basement with the public sanitary sewer. No authority shall be granted to connect the sewer lateral from a building with the sanitary sewer main until such building is completely enclosed by roof, the outside wall back-filled to established grade, and all sanitary sewer lines within buildings that will be covered by basement floors have been inspected and approved by the Plumbing Inspector after the permanent floor is constructed in the basement. In buildings without basements, the authority shall be granted after the footing and sub-floor have been constructed.

(2) Cost of Sewer Construction. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner, who may request that the work be performed by the Village or who may employ an independent contractor to do the work. In the latter case, the Owner shall indemnify the Sewerage District and the Village from any loss or damage that may directly or indirectly be occasioned by the installation, modification, or connection of the building sewer. Except as herein provided, all charges accruing to the Owner under this subsection may be treated as special charges in accordance with the provisions of the Wisconsin Statutes.

(3) 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 Village to meet all requirements for this Article.

(4) Materials and Methods of Construction. The size, slope, alignment, 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 Wisconsin Administrative Code, the State Department of Natural Resources, the municipal building and plumbing code, and other applicable rules and regulations of the Sewerage District. All building sewers shall be constructed of Sch 40 PVC. In the absence of code provisions or an amplification thereof, the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

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

(6) Storm and Groundwater Drains. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a public sanitary sewer must be disconnected no later than sixty (60) days from the date of an official written notice by the Approving Authority or Village. Exceptions to the above shall be made only to the Approving Authority or Village in writing.

(7) Conformance to Plumbing Code. The connection of the building sewer into the public sewer shall conform to the requirements of the municipal building and plumbing code and other applicable rules and regulations of WRCSO or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9 when not otherwise specified. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority or Village before installation.

All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe with solvent-welded joints.

(8) Inspection of Connection. The applicant for the building sewer permit (s) shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village. The permit fee(s) shall include the cost of one inspection by the Village. The Owner shall pay the costs of any additional inspections that may be required for quality assurance.

(9) 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 Village.

(10) Sewer Main Extensions. In addition to all other pertinent sections of this Article, any person requesting an extension of the public sanitary sewer main shall be responsible for all of the following duties.

- (a) All costs and expenses incident to the installation of a sewer main extension, including engineering and any fees associated with the connection or hookup to the sewer, shall be borne by the person requesting the extension. This person shall secure and furnish proof of an escrow account for the estimated amount of the total sewer costs, the amount to be determined by WRCSD and the Village of Rochester. The account shall be so arranged and a special agreement executed between the person, the bank, and the Village of Rochester to allow the latter to withdraw monthly amounts from the account sufficient to cover monthly payments to subcontractors under contract with the Village of Rochester for the sewer installation. The amounts of monthly withdrawals, as determined by the Village of Rochester, shall be billed to the person requesting the extension and shall be due within ten (10) days of the date of billing.
- (b) Design of any proposed sewer extension shall be performed by an engineering consultant selected by the Village or Approving Authority. The resulting construction plans and specification shall be reviewed and approved by the Approving Authority and the Village of Rochester prior to submission to the Wisconsin Department of Natural Resources. All plans shall conform to the standards of the WDNR, and such additional requirements and standards that the Approving Authority may establish, and shall be prepared by a professional engineer registered to practice in the State of Wisconsin. Construction inspection and contract administration shall be performed by the District's engineer.
- (c) The person requesting the sewer extension shall assist in securing all required utility easements, the location and width of which shall be determined by the Village of Rochester. The Village of Rochester will furnish blank easement forms to the person who will be responsible for the proper legal description of the easement parcel and for the proper execution of the easement by the grantor. All completed easements shall be submitted to the Village of Rochester, designated as the grantee for its review, and shall be recorded at the Racine County Register of Deeds office by the Village.
- (d) The person requesting the sewer extension shall also execute any other special agreements deemed necessary by the Approving Authority and the Village of Rochester.
- (e) In the event that the person requesting the sewer extension wishes to construct the improvements and dedicate the completed improvements to the Village, the Village shall execute a written agreement with the person which shall set forth the terms and conditions related to the extension.

10.15 SEPTIC TANK AND HOLDING TANK DISPOSAL.

No septic tank or holding tank wastes shall be discharged to the collection system operated by Western Racine County Sewerage District No. 1.

10.16 DAMAGE OR TAMPERING WITH SEWAGE FACILITIES.

- (1) Willful, Negligent or Malicious Damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage facilities. Any persons violating this provision shall be subject to immediate arrest.
- (2) Liability to Discharger for Losses. Any person who intentionally, negligently or accidentally violates any provisions of this Article shall become liable to the Village of Rochester, or any downstream user, for any expense, loss or damage occasioned by such reason of such violation which the Village of Rochester or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Section 10.17 and without consideration for any penalties which may be imposed for a violation of this Ordinance.

10.17 VIOLATIONS AND PENALTIES.

- (1) Written Notice of Violation. Any person found to be violating any provision of this Article may be served by the Village of Rochester with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof, except in cases of emergency. The offender shall, within the period of time stated in such notice, permanently cease all violations. In case of emergency, the Village may take all reasonably necessary steps to resolve the violation, and may charge the cost thereof to the property owner as a special charge. In the event that the charges are not paid, the costs will become a lien against the property and collected as a special charge as provided by statute.
- (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, corporation or other entity, 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 less than \$100 nor more than \$1,000 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Racine County Jail for a period not to exceed thirty (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 the District and/or Village for Losses. Any person violating any provision

of this Ordinance shall become liable to the Western Racine County Sewerage District No. 1 and/or the Village for any expense, loss, or damage occasioned by reason of such violation which the District or Village may suffer as a result thereof.

10.18 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, Village of Rochester, or Approving Authority through the Village of Rochester, interpreting or implementing the provisions of this Article or in any permit issued herein, may file with the Village of Rochester a written request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall be given notice of such written request and shall appear at the time of reconsideration.
- (2) The WRCSD Commission or the Village, whichever is applicable, shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) days of receipt of request.

10.19 VALIDITY.

- (1) Conflicting Provisions. In the event that any ordinance or part of an ordinances or regulation or part of regulation is in conflict with this Article, the stricter provision shall prevail.
- (2) Invalidation. Invalidity of any section, clause, sentence, or provision in this Article shall not affect the validity of any other section, clause, sentence, provision or this Article which can be given effect without such invalid part or parts.

ARTICLE II PRIVATE SEWAGE DISPOSAL

10.50 APPLICABILITY.

The requirements of this Article shall apply to all areas of the Village not served by a public sewer, as set forth in section 10.05(1).

10.51 SANITARY PERMIT REQUIRED.

No person may locate, install, move, reconstruct, extend, enlarge, convert, substantially alter, or change the use of a private waste disposal system or parts thereof or a non-plumbing sanitation system without first obtaining a Sanitary Permit from Racine County in conformance with Chapter 19 of the Racine County Code of Ordinances. A zoning permit for a principal structure or an addition thereto may not be issued until evidence of such compliance is provided to the Zoning Administrator.

Where the property to be served by a private sewage disposal system is in the vicinity of a Village public sewer main, Racine County will require that the applicant for a sanitary permit provide a letter from the Village stating that the applicant is exempt from connection to the Village sewer main.

10.52 HOLDING TANKS.

(1) Holding Tanks Prohibited.

Holding tanks are prohibited in the Village. Any person who is denied the use of a holding tank as a result of this section may appeal the application of this section based upon the unique situation of the applicant. The appeal shall be in writing to the Village Board and shall set forth all reasons for the requested holding tank. The Village Board may grant variances to this prohibition where the enforcement of the prohibition will result in severe and unnecessary hardship and where the Village Board believes it is not contrary to the public interest. The Village Clerk shall inform the Department of Commerce and the Racine Code Administration Office of any such variance. Section (2) shall apply to any such variance.

(2) Agreement Required.

As a precondition to the installation of a holding tank, the landowner shall enter into an agreement with the Village relative to the installation, maintenance and emptying of said holding tank. Such agreement shall conform to the regulations of the Department of Commerce. The owner shall cause the agreement to be recorded with the office of the Register of Deeds for Racine County, and the agreement shall constitute an agreement running with the land and binding upon the owner, his heirs, successors, personal representatives and assigns. In such agreement, the owner shall agree to:

- (a) Install, maintain and empty the holding tank in accordance with the applicable laws, rules, regulations and ordinances governing such installation and any requirements set forth by Racine County.
- (b) Be fully responsible and liable for the proper operation and maintenance of the holding tank and for the disposal of the contents of the holding tank in accord with all applicable laws, rules, regulations and ordinances governing the same.
- (c) Obey all lawful orders with respect to the holding tank which are issued by the Village and its officials, as well as all other agencies and officers with jurisdiction as to such holding tank.
- (d) Post a cash bond with the Village in the sum of \$1,000 to secure the obligations of the owner under the contract.
- (e) Pay an annual inspection fee to the Village in the sum of \$50.00, and payment at the rate of \$25 per inspection for any inspections in excess of two per annum necessary to insure

the proper operation and maintenance of the holding tank. (The fees set forth herein may be modified by resolution adopted by the Village Board from time to time.)

- (f) Replenish the cash bond any time any portions are used for operation or maintenance of the holding tank.
- (g) Install warning devices, both visual and audible, to indicate when the holding tank is full or in need of pumping.
- (h) Install a sealed meter on the water system on the premises to meter the amount of water consumed on the premises, if required by the Village Board.
- (I) Have the contents from the holding tank removed, hauled and disposed of by a hauler licensed by the State in accord with all State and local laws, ordinances, rules and regulations.
- (j) File receipts and a pumping report with the Village Clerk and Racine County at least annually evidencing the date and volume of contents which were removed from the holding tank.
- (k) If the owner does not cause the holding tank to be properly maintained in response to orders from the Department of Commerce, Racine County, or the Village, and if it becomes necessary to prevent or abate a nuisance, the Village may provide for the maintenance of the holding tank, including the pumping, transportation and disposal of the holding tank contents.
- (l) Have the agreement recorded with the office of the Register of Deeds for Racine County, which shall constitute an agreement running with the land, binding upon the owner, his heirs, personal representatives, successors and assigns.
- (m) Allow the Village Building Inspector and Village Board members, or any authorized person of the Village to inspect the holding tank and the premises at all reasonable times.
- (n) Have a lien asserted against the property served by the holding tank for any obligations or damages accruing to the Village under the agreement and to have any such obligations or damages placed upon the Village tax rolls and collected as any other real estate tax.
- (o) Bind any future owner of the property served by the holding tank to enter into a like agreement with the Village.
- (p) Consent to the Village retaining the bond posted hereunder until such time as the new owner enters into an agreement pursuant to this section and posts the required bond.
- (q) Be bound to such new contract terms provided under this section as shall be enacted from time to time, provided, however, that prior to the adoption of any amendment to this section which shall provide for any such new contract terms the owner, or his successor

in interest, shall be given at least 15 days' notice of the intention to amend this section and shall be given an opportunity to be heard before the adoption of such amendment.

- (3) Unless required by the applicable law, rules and regulations, no agreement shall be entered into with respect to a holding tank to serve more than one property.
- (4) Cash Bonds.

All cash bonds deposited with the Village hereunder, or with the Town of Rochester prior to its consolidation with the Village, shall be deposited in a public depository or interest bearing accounts until such time as all or part of such bond may be required under the terms of the agreement, and any interest earned on such cash bond shall accrue to the benefit of the owner furnishing such cash bond, who shall have the right to demand payment of such interest from the Village Treasurer from time to time, but not more often than annually. Upon the termination of the contract, the balance remaining of such cash bond, including any interest earned thereon, after payment of any obligations of the owner under the contract, shall be paid to the owner.

- (5) Agreements Saved and Continued. Any Holding Tank Agreement entered into by and between a person and the Town of Rochester prior to the Town's consolidation with the Village of Rochester under Chapter XXIV, Holding Tanks, of the Town of Rochester Code of Ordinances, shall be continued in full force and effect by the Village of Rochester as the successor in interest to the Agreement.

10.53 SUBDIVISIONS NOT SERVED BY PUBLIC SEWER.

Prior to application to the County for approval of any site in a proposed subdivision which will not be served by public sewer, the Owner shall request from the Village a letter exempting the proposed subdivision from connection to the public sanitary sewer. Prior to issuance of said letter, the Village will determine whether extension of the public sewer to serve said proposed subdivision is reasonable, and if it is not reasonable, the Village will issue said letter to the owner. If extension of the public sewer is reasonable, the Village shall make such extension a condition of approval of the proposed subdivision.

10.54 REQUIREMENTS FOR LOTS TO BE SERVED BY PRIVATE SEWER.

Widths and area of all lots not served by a public sanitary sewer system or other sewage disposal system approved by that agency having jurisdiction over the approval or disapproval of such system shall be sufficient to permit the use of a private on-site wastewater treatment system (POWTS) designed in accordance with applicable state and county sanitary regulations but in no case shall be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area unless a different lot width and area has been approved by the Village through the land division or conditional use process.

When there is a reasonable likelihood that unsewered lots will be sewer within ten (10) years and that the required frontage thereafter will be seventy-five (75) feet, the Village or subdivider

may cause dotted lines to be drawn across the center of the lots applicable on plat and zoning maps so as to notify prospective purchasers of that possibility.

10.55 VIOLATIONS AND PENALTIES

Any person who shall act in violation of this Article shall be subject to penalties as set forth in Chapter 19 of the Racine County Code of Ordinances or section 10.17 of this Chapter, as appropriate.