

# Town of Richmond Sanitary District #1

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## Richmond Sanitary District #1: Sewer Service Ordinance

*Last updated: June 11, 2024*

The Richmond Sanitary District #1 (District) operates a wastewater treatment plant (WWTP) that serves an equivalent of 27 domestic and 3 commercial users directly southwest of New Richmond in St Croix County, Wisconsin. The WWTP is estimated to receive 6,500 gallons per day (GPD) to a ~1.5 acre stabilization pond and seepage cell for effluent treatment and disposal. This ordinance is enacted pursuant to Wis. Stats. §60.77(5m).

### **1.0 Management:**

**1.A:** The management, operation, and control of the sewage system for Richmond Sanitary District No.1 (hereinafter referred to as “Sanitary District”) is vested in the Commissioners of said Sanitary District; all records, minutes, and all written proceedings thereof shall be kept by the President of the Sanitary District; the Treasurer of the Sanitary District shall keep financial records. The Sanitary District is managed by the Sanitary District Commission. The Commission consists of a President, Treasurer, and Secretary. The Commission is appointed by the Town of Richmond Board.

**1.B:** Current Commission: \*Terms are six years

President (elected): term ends August 2027 and shall continue in 6-year terms after.

Secretary (appointed): term ends July 2029 and shall continue in 6-year terms thereafter.

Treasurer (appointed): term ends August 2025 and shall continue in 6-year terms thereafter.

**1.C:** The Sanitary District shall have all authority granted to it pursuant to Wis. Stats. §60.70, et seq., specifically, 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 said Sanitary District, and, generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Sanitary District shall have power by themselves, their officers, agents, and servants to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this ordinance, without liability therefore; and the Sanitary District shall have the power to purchase and acquire for the Sanitary District all real and personal property which may be necessary for construction of the sewage system, or for any repair, remodeling, or additions thereto.

**1.D:** User Rules and Regulations: The Rules, regulations, and sewer rates of the Sanitary District hereinafter set forth shall be considered a part of the contract with every person, company, or corporation who is connected with the sewage system of the Sanitary District and every such person, company, or corporation, by connecting with the sewage system, shall be considered as expressing their assent to be bound thereby. The right is reserved to the Sanitary District to change said rules, regulations, and sewer rates from time to time as they may deem advisable, and to make special rates and contracts in all proper cases.

## **2.0 Definition of Terms:**

**2.A:** The meaning of terms used in this Ordinance shall be as follows:

**2.A.1:** "Approving Authority" shall mean the Town Board of the Town of Richmond, or its duly-authorized deputy, agent, or representative.

**2.A.2:** "BOD" shall mean the quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

**2.A.3:** "Building Sewer", "Lateral", or "Service Pipe" shall mean a sewer which carries only Sewage or Industrial Wastes from the building plumbing to the Public Sanitary Sewer.

**2.A.4:** "Collection System" shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of domestic wastewater and industrial waste.

**2.A.5:** "Commission" shall mean Richmond Sanitary District No.1.

**2.A.6:** "Commissioners" shall mean the Commissioners of Richmond Sanitary District No.1.

**2.A.7:** "Commercial User (Class III)" shall mean any property occupied by a non residential establishment and which is connected to the wastewater facilities.

**2.A.8:** "Connection" shall mean each physical connection to the collection system

**2.A.9:** "Debt Retirement" shall mean all annual principal and interest requirements and obligations of the Approving Authority for the Wastewater Treatment Facilities.

**2.A.10:** "Operation and Maintenance Cost" shall mean the actual sums spent by the Richmond Sanitary District #1 in the operation and maintenance of its Sewage System consisting of, but not limited to, each and all of the following purposes: wages and salaries, and employee-related expenses of operation, maintenance, clerical, laboratory, and supervisory personnel; electrical power and other utility services; chemicals, fuel, and other operating supplies; repairs to, and maintenance of, associated equipment; premiums for insurance providing coverage against liability for the injury to persons and/or property; operation, licensing, and maintenance costs for trucks and heavy equipment; consultant and legal fees; debt services; financial and communication costs such as postage, Quickbooks, processing fees; and funding an equipment repair service

**2.A.11:** "Replacement Fund" shall mean expenditures for obtaining and installing equipment, accessories, man holes and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

**2.A.12:** Residential Equivalency Charge (REC) shall mean a charge levied on non-metered users of the sewage system. Each non-metered residential connection shall constitute one Residential Equivalency Connection; provided, however, that where more than one residential unit is provided sanitary sewer service by a single lateral, the number of residential equivalency connections shall be equal to the number of residential units that are connected to the lateral.

**2.A.13:** "Sewer Service Area" shall mean the boundaries of the Sanitary District.

**2.A.14:** "WPDES Permit" shall mean a permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stat. Chapter 147.

### **3.0: Rules and Regulations:**

**3.A: Connection:** To assure preservation of public health, comfort, and safety, the owner of any house, building or property used for human occupancy, employment, recreation, or other habitation, situated within the Sanitary District, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the Sanitary District in accordance with the provisions of this Ordinance, to be completed by a licensed plumber.

**3.A.1:** In the event that the Owner shall not cause the aforesaid connections to be made within a reasonable time frame, the Sanitary District shall send, by Certified Mail, a notice instructing the Owner to connect. IF the aforesaid connections are not made within ten (10) days after receipt of the notice, the Sanitary District may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such costs shall be assessed as a special tax lien against the property.

**3.B: Alternative Disposal Prohibited:** No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended to be used for the disposal of domestic wastewater within the boundaries of the Sanitary District.

**3.C: Maintenance of Services:** All sewer services within the limits of the Sanitary District, up to and including the tap in fittings (the point of connection) to the street main and all street mains, shall be maintained and repaired by the Sanitary District without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner. All Building Sewers and laterals located in the public right-of-way or easement from the point of connection to the sewer main, and all facilities throughout the premises served, must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served. The property owner shall be responsible for investigating the cause of the sewer lateral failure.

**3.C.1:** If the failure is determined to be located between the sewer main and the property line, the Sanitary district shall be responsible for repair of the service, if the failure is caused by external forces generated by street traffic; or if the installation, maintenance, or repair of other utilities contributed to the sewer service failure.

**3.C.2:** If the failure is determined to be due to blockage, collapse due to age, or failure due to causes not set forth above, the costs of repair shall be the responsibility of the property owner regardless of whether the blockage or failure occurs in the right-of-way or on private property.

**3.C.3:** Costs for Maintenance of Sewer Service Lateral or user damage to Richmond Sanitary District #1 Assets: Cost of maintenance that is the responsibility of the property owner shall be billed to, and paid for by, the property owner. If such costs are not paid within 30 days, the contractor may invoice the Sanitary District and the Sanitary District will pay such costs. Such paid costs may be assessed as a special tax lien against the property.

**3.D: Users:**

**3.D.1: Application for Service.** Every person requesting connection to the Sanitary District shall file an application in writing to the Sanitary District. The application must state fully and truly all of the uses which will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and permission from the Sanitary District. The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the Sanitary District may reject the application. If the Sanitary District approves the application, the Sanitary District shall authorize the Building Inspector to issue a permit for services as shown on the application. All expenses relating to the connection to the Sewage System shall be paid by the Applicant or owner at the time of permit issuance.

**3.D.2: User to Keep in Repair.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the Sewage System. The user is responsible for their service pipe from the street main through their facility served.

**3.D.3: Responsibility.** No claim shall be made against the Sanitary District or its agents or employees by reason of the breaking, clogging, stoppage, or freezing of any service pipe, nor from any damage arising from repairing mains, making connections or extensions, or any other work that may be deemed necessary by the Sanitary District absent gross negligence of the Sanitary District or its agents.

**3.E: Sewer Service Charges:**

**3.E.1:** It shall be the policy of the Sanitary District to obtain sufficient revenues to pay the costs associated with article 2.A.10 above 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. The Sanitary District shall use special assessments, user charge revenue, and general taxation (mill levy) to generate the revenue necessary to pay back any and all capital indebted loans.

**3.E.2: Sewer User Charge.** A charge to each user receiving service shall be computed as follows:

**3.E.2.a: Residential User.** A Residential User shall be assessed one (1) REC for each residential unit. By way of illustration, a single-family residence shall be assigned one (1) REC; two-family residential unit shall be assigned two (2) RECs; three-family, (3) RECs, etc. The cost of treatment for each REC shall be determined by the Sanitary District Commissioners, at least annually.

**3.E.2.a.1:** For further definition, on what constitutes how many REC a residence is assigned, there are several factors to consider. Multi-family units are characterized by the presence of multiple individual residential units within a single building or complex. Units may share walls and/or be separated by floors. Each dwelling unit within a multi-family building includes its own kitchen, bathroom and living space. Each unit in a multi-family dwelling operates independently, with its own access points and amenities. This distinguishes them from rooming houses or boarding houses, where facilities may be shared among residents. Multi-family units are often managed by a property manager or management company. In the case of the Richmond Sanitary District, multi-family units are non-metered and are connected with only one sewer connection.

**3.E.2.a.2:** In addition to the cost of treatment, each non-metered REC shall also be charged a proportionate share of the costs of operation, maintenance, and repair to the sewage system, the costs of maintaining the Department of Natural Resources and Sanitary District replacement funds, and a proportionate share of the costs associated with the payment of the Sanitary District's debt service.

**3.E.2.a.3:** All charges for Residential Users shall be made monthly and shall be payable on the fifteenth day of each month. A three percent (3%) penalty will be added to those bills not paid within 30 days. A failure to receive a bill shall not excuse nonpayment. Sanitary District service charges shall be a lien on the property serviced in accordance with Wis. Stat. §66.0821(4)(d).

**3.E.2.b: Commercial Users.** All Commercial Users shall be invoiced at three times (3x) the Residential User rate. The cost of treatment for each commercial user shall be determined by the Sanitary District Commissioners, at least annually.

**3.E.2.b.1:** In addition to the cost of treatment, each non-metered commercial user shall also be charged a proportionate share of the costs of operation, maintenance, and repair to the sewage system, the costs of maintaining the Department of Natural Resources and Sanitary District replacement funds, and a proportionate share of the costs associated with the payment of the Sanitary District's debt service.

**3.E.2.b.1:** All charges for Commercial Users shall be made monthly and shall be payable on the fifteenth day of each month. A three percent (3%) penalty will be added to those bills not paid within 30 days. A failure to receive a bill shall not excuse nonpayment. Sanitary District service charges shall be a lien on the property serviced in accordance with Wis. Stat. §66.0821(4)(d).

**3.E.2.c:** Rates subject to attached schedule.

**3.E.2.d:** Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October (10-1) of any year, shall be certified to the Sanitary District Treasurer to be placed on the tax role for collection, as provided by Wisconsin Statutes.

**3.E.2.e:** Delinquent Accounts. Pursuant to the authority granted under Wis. Stat. §§ 66.0627 and 66.0809, the following procedure shall apply to the collection of delinquent accounts for sewer service:

**3.E.2.e.1:** Notice of Payment Due. On October 15 of each year, notice shall be given to the owner or occupant of all lots or parcels of real estate within the Sanitary District, to which sewer service has been furnished prior to October 1 by the Sanitary District, and payment for which is owing, and in arrears, at the time of giving such notice. The Sanitary District shall furnish a list of all such lots or parcels of real estate, and a notice shall be given by the Treasurer. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sanitary District; that unless the same is paid by November 1 thereafter, a penalty of ten percent (10%) of the amount of such arrears will be added thereto, unless such arrears, with any such added penalty, shall be paid by November 15, the same will be levied as a tax against the lot or parcel of real estate to which sewer service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate.

**3.E.2.e.2:** Failure to Pay. On November 16, the Treasurer shall certify and file with the County a list of all lots or parcels of real estate, giving the legal description thereof, to the owners or occupants of which notice of arrears and payment were given, as above specified, and which arrears still remain unpaid, and stating the amount of such arrears, together with the added penalty thereon as herein provided. Each delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel

of real estate to which sewer service was furnished and payment for which is delinquent, and the Treasurer shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to such tax if the same is not paid within the time required by law for payment of taxes upon real estate.

**3.E.2.e.3: Request for Hearing.** The owner or occupant may, within ten (10) days of the date such notice is sent, request a hearing on any charge disputed. Such a request for hearing shall be in writing and shall be filed with the Sanitary District. No such charge shall be placed upon the tax roll if a properly-filed request for hearing is pending. All hearings shall be held by the Sanitary District within thirty (30) days.

**3.E.3: Ready to Serve Charge:** The owner of each premises to which sanitary sewer service has been made available by the Sanitary District, but which has been connected to the sanitary sewer system, shall be charged for the sanitary sewer service in the amount, or amounts, which would have been charged had the premises been connected to the system. These charges occur regardless of occupancy.

**3.E.4: Mandatory Hook Up:** This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Sanitary District and fails to assure preservation of public health, comfort, and safety of said the Sanitary District. 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 the Sanitary District.

**3.E.5: Penalty for improper use:** It shall be unlawful for any person, company, or corporation to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully, and without authority of the Sanitary District, bore, or otherwise cause to leak, any pipe, manhole or other thing used in the system for holding, conveying, or collecting sewage.

**3.E.5.a: No** user shall discharge, or cause to be discharged, any of the following-described liquids or solid wastes to any sanitary sewer:

**3.E.5.a.1:** Any storm water, surface water, groundwater, roof runoff, surface drainage, or foundation footing drains or tiles, or clear water sump pump discharge, subsurface drainage, or cooling water to any sanitary sewer.

**3.E.5.a.2:** Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

**3.E.5.a.3:** Any solids or viscous substances such as, but not limited to, ashes, cinders, sand, plastic bag, diapers, sanitary wipes, all sanitary products, mud, manure, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, paper dishes, cups, milk containers, either whole or ground by garbage

grinders, whole blood, hair and fleshings, entrails or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage system.

**3.E.5.a.4:** Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.

**3.E.5.a.5:** Any noxious or malodorous gas or substance capable of creating a public nuisance. This includes copper sulfate.

**3.E.5.a.6:** Any garbage.

**3.E.5.a.7:** Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees centigrade).

**3.E.5.a.8:** Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease. This includes floatable oils, fat, or grease.

**3.E.5.a.9:** Any water or wastes having PH lower than 5.5 or higher than 8.5 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

**3.E.5.a.10:** 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.

**3.E.5.a.11:** Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees and 150 degrees Fahrenheit. (0 to 65 degrees centigrade)

**3.E.5.b:** Commercial properties that have a commercial kitchen are required to have a grease trap on site. Proof must be provided to the Commission for their records. Failure to comply with this ordinance will result in fines.

**3.E.5.c:** No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of the WPDES discharge permit.

**3.E.5.d:** Any person who accidentally discharges wastes prohibited under this section shall immediately report such discharge to the Sanitary District.

**3.E.5.e:** If the property is occupied by renters, the property owner or management company must notify tenants of the proper use guidelines.

**3.E.6: Damage Recovery:** The Sanitary District shall have the right of recovery from all persons, any expense incurred by said Sanitary District for the repair or



replacement of any sewer pipe or appurtenance damaged in any manner by any person, company, or corporation by the performance of any work under their control, or by any negligent act.

**3.E.7: Penalties:**

**3.E.7.a:** Any person, company or corporation who violates any of the provisions of this ordinance; or violates any rules or regulations of the Sanitary District, duly adopted and approved by the Commissioners; or connects a service pipe without first having obtained all applicable permits and approvals from the Sanitary District and the Town of Richmond; or violates any provision of the Wisconsin Statutes or Administrative Codes which are incorporated herein by reference, shall upon conviction thereof, forfeit no less than one hundred dollars nor more than five hundred dollars together with the cost of prosecution. Where any violation continues, the amount of the forfeiture imposed shall be assessed for each day the violation occurs. In addition to the Court proceedings and penalties imposed by this section, the Sanitary District may seek injunctive relief to prevent or abate a nuisance, or to prevent or abate any continued violation of this ordinance.

**3.E.8: Septic Tanks Prohibited:** The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Sanitary District, where sanitary sewer service has been made available by the Sanitary District, shall not be allowed. The continued use and maintenance of septic systems, or other private sewage disposal systems, under those circumstances shall be deemed a public nuisance and a health hazard.

**3.E.9: Adoption of Other Laws:** There is hereby adopted all of the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations; the Department of Commerce; and, the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Sanitary District and Town of Richmond. All extensions of the system will comply with administrative rules of the Department of Natural Resources.

**3.E.10: Admission to property:** The Sanitary District, its agents, and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling, and testing in accordance with provisions of this ordinance pursuant to Wis. Stat. §66.122 through §66.125. The Sanitary District and its agents 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 sewage system. The Sanitary District and its agents shall be permitted to enter all private properties through which the Sanitary District holds a duly-negotiated easement for the purpose of, but not limited to, observation, inspection, measurement, sampling, repair, and maintenance of any portion of the sewage system lying within said easement, all subject to the terms, if any, of the easement agreement.

**3.E.11: Control manholes:** The discharge of any waste including storm sewer, into any manhole or other appurtenance of the Sanitary District, except by connection authorized and approved by the Sanitary District, is prohibited.

**3.E.12: Communications:** Communications are to be sent primarily to property owners. Occasional correspondence may occur with the residents. Communication may include, but are not limited to: meeting notices, rate increases and maintenance updates. Regular communications are posted to the website: <https://townofrichmondwi.gov/government/sanitary-district/>.

**3.E.13: Severability:** If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Sanitary district hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional.

# Addendum 1:

## **Richmond Sanitary District #1: Rates Schedule**

As of Nov 1, 2024:

\$129 per residential (REC)

\$387 per commercial