

CHAPTER I

ORDINANCES OF THE TOWN OF BAILEYS HARBOR SEWER USE AND SEWER SERVICE CHARGE ORDINANCE

SECTION 1. INTRODUCTION AND GENERAL PROVISIONS

1.01 TITLE. This Chapter shall be known as, referred to, or cited as the "Sewer Use and Sewer Service Charge Ordinance for the Town of Baileys Harbor, County of Door, State of Wisconsin" and hereinafter referred to as "this Chapter."

1.02 PURPOSE AND INTENT. This Chapter sets uniform requirements for discharging waters and wastes into the public sewerage system within the Town. This section enables the Town to protect public health in conformity with administrative provisions, water quality requirements and other discharge criteria, which are required or authorized by local, State and Federal law. The objectives of this section are as follows:

- (a) To regulate the construction and use of public and private sewers and drains.
- (b) To provide for annexations and connections to the public sewerage system.
- (c) To provide a means of determining wastewater volumes, constituents and characteristics, and to issue permits to certain users.
- (d) To set limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the system to prevent the introduction of pollutants into the wastewater facilities that will interfere with the normal adequate treatment in the wastewater facilities, pass through the system into the receiving waters, or contaminate the resulting municipal sludge.
- (e) To recover from users of the wastewater facilities, on an equitable basis, the share of the wastewater facilities costs attributable to such users and to provide funds for the operation and maintenance, debt retirement and replacement of the wastewater facilities.
- (f) To set penalties for violations of the requirements of this Chapter, and to set forth collection of nonpayment of bills.

1.03 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

1.04 INTERPRETATION. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Wisconsin.

1.05 SANITARY REGULATIONS.

- (a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.

(b) It is unlawful for any person to maintain, keep in existence or use any outdoor toilet, privy or cesspool within the corporate limits of the Town except where the property does not abut on any street or alley wherein a sewer has been laid, in which event the owner or occupant of said premises shall be required to construct and maintain a covered cesspool or septic tank.

(c) It is the duty of the Town health and inspection officials and all police officers to regularly inspect all premises and all thoroughfares in the Town and enforce the provisions of this Chapter; and to that end, health, inspection and law enforcement officials are authorized to enter upon the premises of any individual, firm, or corporation for the purpose of making said inspection.

SECTION 2. DEFINITIONS

2.01 ACCIDENTAL DISCHARGE. Any discharge which was not intentional and shall include as well a discharge caused by gross negligence or wanton or reckless conduct.

2.02 APPLICABLE PRETREATMENT STANDARD. Any standard established by Federal, State or local authority limiting the discharge of pollutants that may be discharged or introduced into a wastewater treatment system by specific Industrial Dischargers.

2.03 APPROVING AUTHORITY. The Town Board or Wastewater Treatment Plant Superintendent, or duly authorized deputy, agent, or representative of the Town.

2.04 BIOCHEMICAL OXYGEN DEMAND (BOD₅). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20°C, expressed as milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

2.05 BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

2.06 BUILDING INSPECTOR. The Building Inspector of the Town or said person's appointed assistant, agent or representative.

2.07 BUILDING SEWER. The extension from the building drain beginning at the immediate outside foundation wall to its connection with the public sanitary sewer or other place of disposal.

2.08 BYPASS. The intentional diversion of wastestreams from any portion of a sanitary sewer user's pretreatment facility.

2.09 COMBINED SEWER. Sewer intended to receive both wastewater and storm or surface water.

2.10 COLLECTION FACILITIES. Sewer system, structures, equipment, and processes required to collect and carry away wastewater, which are owned, operated and maintained by the Town.

2.11 COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, chemical oxygen demand, phosphorus and phosphorus compounds, or nitrogen and nitrogen compounds, plus additional pollutants identified in the WPDES permit issued to the Town for its wastewater treatment facility, provided that such wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

2.12 DEBT SERVICE. Costs to the Sewer Department for the retirement of debts incurred in the provision of wastewater facilities including both principal and interest.

2.13 EASEMENT. An acquired legal right for the specific use of land owned by others.

2.14 EQUIVALENT HOUSING UNITS (EHU). The average amount of wastewater discharged by a single-family unit. One EHU is assumed to equal 175 gallons per day computed at 2.5 average per capita unit at 70 gallons per capita day with pollutant concentrations of 300 milligrams per liter (mg/l) for BOD, 350 mg/l for suspended solids, and 10 mg/l for phosphorus.

2.15 EXCESSIVE. Means in such magnitude that, in the judgment of the Town, it will cause damage to any facility, will be harmful to the wastewater treatment plant to the degree required to meet the requirements of the WPDES permit, can otherwise endanger life, limb, or public property, and/or which can constitute a public nuisance.

2.16 FATS, OIL, AND GREASE. A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. Quantitative determination of fats, oil, and grease shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

2.17 FLOATABLE OIL. 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 or treatment system.

2.18 FLOW PROPORTIONAL SAMPLE. Sample taken that is proportional to the volume of flow during the sampling period.

2.19 GARBAGE. The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

2.20 INCOMPATIBLE POLLUTANT. Any and all pollutants that the wastewater treatment system either is not designed to remove, or, is incapable of removing through the wastewater treatment process.

2.21 INDUSTRIAL WASTE. Any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources.

2.22 INFILTRATION. The water unintentionally entering sanitary sewers, building drains and building sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from, inflow.)

2.23 INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

2.24 INFLOW. The water discharge into the sanitary sewers, building drains and building sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include and is distinguished from infiltration.)

2.25 INJURE THE SYSTEM. To damage or destroy facilities being a part of the wastewater collection or treatment system; to cause an upset of the treatment system; to obstruct or interfere with the flow of the wastewater anywhere in the system; to cause a public nuisance; or to cause a violation of the Town's WPDES permit.

2.26 INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, directly or indirectly, both, inhibits or disrupts the Town's wastewater treatment system, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's WPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; Chapters 144 and 147, Wis. Stat.; the Clean Air Act; TSCA; and the Marine Protection, Research and Sanctuaries Act.

2.27 LATERAL. The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

2.28 MAY. May is permissive; (see SHALL).

2.29 NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

2.30 NORMAL DOMESTIC WASTEWATER. Wastewater with concentrations of BOD₅ no greater than 300 mg/l, suspended solids no greater than 350 mg/l, and phosphorus no greater than 10 mg/l.

2.31 OPERATION AND MAINTENANCE EXPENSES. Includes all expenses associated with the operation and maintenance of the wastewater facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater facilities.

2.32 PARTS PER MILLION. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

2.33 PASS THROUGH. A discharge which exits the Town's wastewater treatment system into waters of the State of Wisconsin in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's WPDES permit, including an increase in the magnitude or duration of a violation.

2.34 PERSON. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

2.35 pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

2.36 PHOSPHORUS (P). Total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, or organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

2.37 POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewaters (e.g., pH, temperature, total suspended solids (TSS), turbidity, color, BOD₅, chemical oxygen demand (COD), toxicity, or odor).

2.38 PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the Town's wastewater facilities. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

2.39 PRETREATMENT REQUIREMENT. Any substantive or procedural requirement related to pretreatment imposed on a sanitary sewer user, other than a pretreatment standard.

2.40 PRETREATMENT STANDARDS OR STANDARDS. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

2.41 PROHIBITED DISCHARGE STANDARD OR PROHIBITED DISCHARGES. Prohibitions against the discharge of certain substances.

2.42 PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

2.43 PUBLIC SEWER. Any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

2.44 REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage lift stations and wastewater treatment facilities to maintain the capacity and performance for which such facilities was designed and constructed.

2.45 SANITARY SEWAGE. Sanitary sewage shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

2.46 SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, surface, and storm waters that are not admitted intentionally.

2.47 SEPTAGE. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

2.48 SEWAGE (also referred to as wastewater). A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

2.49 SEWERAGE SYSTEM. All properties, structures, manholes, catch basins, inlets, pipes, equipment and conduits for the purpose of collecting, treating, testing, and disposing of domestic wastewater and/or industrial or other wastewaters, as existing now or hereafter added to, expanded or improved.

2.50 SEWER. A pipe or conduit that carries wastewater or drainage water.

2.51 SEWER SERVICE CHARGE. A charge levied on users of the wastewater facilities to recover annual revenue for debt service; replacement costs; operation and maintenance expenses; or other expenses or obligations of such facilities.

2.52 SHALL is mandatory, MAY is permissive.

2.53 SHOCK. Any discharge of water or wastewater with a concentration of any given constituent or in rate of flow that exceeds for any duration longer than fifteen (15) minutes or more than five (5) times the average 24-hour concentration or flows during normal operation and that adversely affects the wastewater collection system and/or performance of the wastewater treatment system.

2.54 SIGNIFICANT INDUSTRIAL SANITARY SEWER USER. All industrial sanitary sewer users subject to categorical pretreatment standards; or any industrial sanitary sewer user that discharges a flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the wastewater facilities (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); any industrial sanitary sewer user that contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the wastewater facilities; or is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the wastewater facilities operation or for violating any pretreatment standard or requirement.

2.55 SLUG. Any discharge of water or wastewater with a concentration of any given constituent or in rate of flow for any time period greater than fifteen (15) minutes that exceeds five (5) times the average twenty-four (24) hour concentration or flow that adversely affects the wastewater collection system and/or performance of the Wastewater Treatment Plant.

2.56 STORM DRAIN (storm sewer). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

2.57 STORM WATER RUNOFF. That portion of the rainfall that is drained into the sewers.

2.58 SURCHARGE. A charge levied on sewer users discharging wastewater with BOD, suspended solids, and/or phosphorus concentrations in excess of the limits for normal domestic strength wastewater.

2.59 SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

2.60 TOWN. The Town of Baileys Harbor, Door County, Wisconsin.

2.61 TOTAL KJELDAHL NITROGEN (TKN). Total organic nitrogen and ammonia nitrogen of the wastewater. Quantitative determination of TKN shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

2.62 TOXIC SUBSTANCE. Any substance whether gaseous, liquid or solid which, when discharged to the sewerage system in sufficient quantities, interferes with any wastewater treatment process, or constitutes a hazard to human beings or animals, or inhibits aquatic life in the receiving waters of the effluent from the Wastewater Treatment Plant.

2.63 UNIT OF SERVICE DEFINITION. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as individual units.

When a consumer's premises has several users within a building or several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Town may set a separate rate for such complex.

2.64 UNPOLLUTED WATER. 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 wastewater facilities provided.

2.65 USER. Any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

2.66 USER CATEGORIES.

(a) Category A. Those unmetered residential sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 300 mg/l, suspended solids no greater than 350 mg/l and phosphorus no greater than 10 mg/l.

(b) Category B. Those metered commercial, industrial, and public sanitary sewer users who discharge normal domestic strength wastewater with concentration of BOD no greater than 300 mg/l, suspended solids no greater than 350 mg/l and phosphorus no greater than 10 mg/l.

(c) Category C. Those sanitary sewer users who discharge wastewater with concentrations in excess of 300 mg/l for BOD, 350 mg/l for suspended solids, and/or 10 mg/l for phosphorus. Sanitary sewer users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category C. The conversion factor to convert concentrations into pounds for surcharge purposes shall be Million Gallons x 8.34 x Pollutant Concentration (mg/l) = Pounds.

(d) Category D. Holding tank users who discharge domestic wastewater.

(e) Category E. Septic tank users who discharge domestic wastewater.

(f) Category F. Holding tank users located outside of the Town who discharge domestic wastewater.

(g) Category G. Septic tank users located outside of the Town who discharge domestic wastewater.

2.67 WASTEWATER. 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.

2.68 WASTEWATER COLLECTION FACILITIES. Wastewater Collection Facilities include gravity sanitary sewers, gravity sanitary sewer laterals, pressure sanitary sewers, pressure sanitary sewer laterals, grinder pump stations, sewage lift stations, sewage force mains, flow equalization facilities and associated appurtenances.

2.69 WASTEWATER FACILITIES. The Town's structures, equipment, and processes that are designed to collect, carry, and treat domestic wastewater and industrial discharges.

2.70 WASTEWATER TREATMENT PLANT. An arrangement of devices and structures for treating wastewater, industrial waste and sludge. Sometimes used as synonymous with "waste treatment." Wastewater Treatment Plant includes the influent pumping facilities, preliminary treatment facilities, secondary treatment facilities, disinfection facilities, sludge treatment and stabilization facilities, sludge storage and disposal facilities, operation and maintenance facilities, ancillary facilities, administrative facilities, and associated appurtenances operated by the Town for treatment of wastewater.

2.71 WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

2.72 WPDES PERMIT. The Wisconsin Pollution Discharge Elimination System (WPDES) permit issued to the Town to discharge pollutants under Chapter NR 210, Wisconsin Administrative Code, pursuant to Chapter 147 of the Wisconsin Statutes.

SECTION 3. USE OF THE PUBLIC SEWERS

3.01 MANAGEMENT. The management, operation, and control of the sewer system for the Town, is vested in the Town Board of said Town. All records, minutes and all written proceedings thereof, and the financial records shall be kept by the Town Clerk.

3.02 CONSTRUCTION. The Town shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Town; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Town 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 Town shall have power to purchase and acquire for the Sewer Department all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

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

3.04 PUBLIC UTILITY. Said utility shall be operated by the Town as a public utility in accordance with the laws of the State of Wisconsin and the ordinance and resolutions of the Town, and the rates and charges herein set forth shall be applicable to all services furnished and made available by said utility to the Town and its inhabitants, and all other persons, firms, and corporations, both public and private, until modified by ordinance amendatory hereof or supplemental hereto; provided, however, that such rates and charges as amended shall always be fixed, maintained and collected in such amounts as shall produce gross revenues adequate to pay as incurred all costs of the operation and maintenance of said utility, and to accumulate an adequate reserve for the depreciation thereof, and to pay when due the principal of and the interest on all bonds of the Town which are payable from the revenues of said utility.

3.05 FUNDS. The funds received from the operation of said public utility, in accordance with the rates and charges authorized by this Ordinance, shall be deposited at regular intervals in a depository to be designated by the Town and shall be set aside into a special and separate fund heretofore provided for by the Town for the reasonable and proper operation and maintenance of said utility, for a proper and adequate replacement fund, and for the payment of interest and principal of bonds issued and outstanding, or which may be hereafter issued to provide funds to construct, improve, or extend such public utility.

3.06 SANITARY SEWERS. No person(s) 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. The Approving Authority has the right to require sewer users at the sewer user's expense to repair or replace sanitary laterals that have infiltration.

3.07 USER CONNECTIONS. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may be in the future be located a public sanitary sewer of the Town is (are) 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 Ordinance within three (3) months after the date of official notice from the Approving Authority to do so. It shall be unlawful for any person to displace, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance. All wastewater produced in the Town of Baileys Harbor shall be delivered to the wastewater treatment plant of the Town for treatment.

This Ordinance ordains that the failure to connect or deliver wastewater to the sewer system is contrary to the minimum health standards of said Town and fails to assure preservation of public health, comfort, and safety of the Town.

3.08 STORM SEWERS. Storm water and all other unpolluted drainage shall be discharged to such sewers as is specifically designated as storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

3.09 DISPOSITION OF OLD SEPTIC TANKS. All septic tanks, drywells, and seepage pits shall have the contents removed and shall immediately be filled with sand, gravel, or similar granular materials after the disconnection of the private system and the connection to the public sewer.

3.10 FAILURE TO CONNECT - HEALTH HAZARD. This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Town and fails to assure the preservation of public health, comfort, and failure of the Town.

3.11 FAILURE TO CONNECT. Upon the failure of the Owner to connect and in addition to any other penalties demanded by the Town, the Town, at its option, may impose a penalty for the period that the violation continues after ten (10) days written notice to the owner failing to make connection to the sewer system of an amount equal to one hundred fifty percent (150%) of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45 of the Wisconsin Statutes.

3.12 NEW CONNECTIONS. New connections to the Town sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater facilities. New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment plant to adequately transport and/or treat, as required by the WPDES Permit, the additional wastewater anticipated to be received from such connections.

3.13 CONNECTION INSTRUCTIONS. The following procedures shall be followed when connecting to Town sewers:

(a) **PLUMBER.** Owner must first obtain the services of a licensed bonded plumber. The plumber is required to lay the pipe from the Town lateral at the property line or Town sanitary sewer, to the house connection and to make the final connection of the outside pipe to the inside plumbing.

(1) Owner should obtain lien waivers from any subcontractors and/or material suppliers prior to payment to the plumber.

(2) The Owner who occupies the premises may dig the trench outside the structure for the lateral and do the inside plumbing work himself.

(3) Certain contractors are licensed only to do part of the work such as installation of outside laterals. Therefore, Owner should ensure the Contractor is licensed for the type of work Owner is requesting him to do.

(b) **PERMITS.**

(1) **Occupancy Permit.** If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until an occupancy permit is issued. The occupancy permit will only be issued after all capacity charges are paid for buildings served by municipal sewer.

(2) **Plumbing Permit.** The plumber shall apply for a lateral permit from the Wastewater Treatment Plant Superintendent and pay the necessary fees at the Baileys Harbor Treatment Plant, Summit Road. If the Owner desires to do his own inside work, he must obtain a separate permit for that purpose from the Building Inspector. Both of said permits must be signed by the Owner. The cost for the plumbing permit shall be in accordance with the Sewer User Charge Schedule in Appendix "A" of this Ordinance.

(3) Septic Tank Abandonment Permit. Owner must also obtain a permit from the Wastewater Treatment Plant Superintendent to abandon their current system. This permit must be completed and the septic tank abandoned before final inspection.

(4) Meters. Category 'B' and 'C' sewer customers of the Town sewage system shall install water meters furnished by the Town at cost.

(c) INSPECTIONS.

(1) General. When an inspection is required, the Wastewater Treatment Plant Superintendent shall be notified 24 hours in advance. Notification shall include permit number, place of inspection and time inspection is requested. If exact time is unknown, call may be made to the Wastewater Treatment Plant Superintendent between 7:30 a.m. and 8:30 a.m., Monday through Friday, to schedule the inspection. If, after scheduling the inspection, Owner is not ready for the Inspector, Owner shall telephone the Wastewater Treatment Plant Superintendent and reschedule the inspection. If the 24-hour notice with place and time is not made, an inspection may not be made the same day. No inspections shall be scheduled through the Town officials.

(2) Sewer Test. All sewers shall be pressure tested to three pounds air pressure or ten foot head of water for ten (10) minutes.

(3) Interior Dwelling Inspection. The Building Inspector shall inspect dwelling for clear water connections only and notify Owner or plumber in writing what corrections are required.

(4) Failure to Obtain Final Inspection. If the installer doing the work fails to call the Wastewater Treatment Plant Superintendent for a final inspection, the Building Inspector shall not issue an occupancy permit or other permit until the problem is rectified.

(5) Connection. Connection must be made by a licensed plumber under Town rules.

(d) CORRECTIONS ORDERED. All required corrections shall be made within thirty (30) days of the written notice or upon receipt of notice that service is available, whichever is latest.

(e) WATER LINE. If Owner desires to install a water line at the time of the installation of the sewer lateral, a diagram of water line shall be shown on the plumbing permit and returned to the Town. (No water service is anticipated.)

(f) CAUTIONS AND RECOMMENDATIONS.

(1) Lateral Depth. Location and depth of lateral at the lot line can be obtained at the Wastewater Treatment Plant office or from the stake located at the end of the lateral. It is recommended that the plumber expose the existing connection at the house first so that the correct flow angle can be determined.

(2) Penalties. Fines and penalties may be levied if connection is not made within the allowed ninety (90) days and as required under the Town ordinances or if plumbing code violations are not corrected.

3.14 SANITARY SEWER INSPECTION REQUIREMENTS. The purpose of this section is to set guidelines for the review, approval and inspection of the installation of all sanitary sewer mains in the Town. The Town has the specific statutory authority, powers and duties, pursuant to the specific statutory sections noted in this Ordinance and/or by its adoption of Village powers under Section 60.10, 95-96 Wisconsin State Statutes, to regulate, control, prevent and enforce against, in the Town, certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town.

The Town has, by adoption of this Ordinance, confirmed the specific statutory powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance, the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect the public works and infrastructure in the Town.

This section establishes review, approval and inspection requirements for sanitary sewers installed in the Town to accommodate anticipated wastewater flows and afford satisfactory access to Town personnel for inspection, maintenance and repairs.

(a) Applicability. This section shall be applicable to all sanitary sewer extensions of the wastewater collection facilities; including any privately constructed mains intended to be accepted by the Town as a public sewer.

(b) General Requirements.

(1) Scope. These standard requirements apply to utility construction completed by private developers or others on both private and public properties located in the Town. All references to Engineer shall mean Town Engineer, all references to Town shall mean the Town of Baileys Harbor, and all references to Owner shall mean the developer or other party completing the work.

(2) Town, WDNR and Comm Approval. The Town will not allow any construction to proceed until construction plans and specifications signed and sealed by a Wisconsin Professional Engineer have been submitted and approved by the Town. All construction plans and specifications to construct a public sewer must be approved by the Wisconsin Department of Natural Resources (WDNR). A written WDNR approval letter must be on file with the Town Clerk before construction may commence. All other plans and specifications for privately owned and maintained sewer must be approved by the Department of Commerce (Comm). A written Comm approval letter must be on file with the Town Clerk before construction may commence.

(3) Pre-Construction Conference. The Town will hold a pre-construction conference prior to commencement of work. Representatives of the contractor and Owner will be required to attend.

(4) Town Inspection. The Town will provide fulltime inspection of all utility work encompassed by these standard requirements. The Town will retain full authority to halt construction if any of the requirements of the specifications are not followed. The cost for inspection shall be charged to the project and be borne by the properties receiving benefit from the project. For installations performed by the Town as a public project, the cost of inspection will be included in the project costs and assessed to the properties. For installations performed by a private individual or individuals, the Town will prepare an estimate for inspection costs and will require that such monies be escrowed prior to the start of construction. Any variation from these methods shall be at the sole discretion of the Town.

(5) Project Schedule. It is the Owner's responsibility to submit a construction schedule to the Town and inform the Town of any changes to the schedule.

(6) Final Inspection and Acceptance. Upon completion of the proposed sewer extension, the Town will proceed to make final inspection, accepting or rejecting the sewer, as the case may be. If the sewer is rejected, corrections must be made as required by the Town before re-inspection. If the Town accepts the sewer, the Owner will provide a permanent easement for operation, maintenance and repair of the sewer. This easement shall be recorded at the Door County Register of Deeds. The Owner is responsible for any legal costs or other expenses incurred as part of the transfer of this easement.

SECTION 4. PROHIBITED PRACTICES

4.01 DISCHARGE PROHIBITIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) No person, without approval of the Town, shall discharge any waste or other substance directly into a manhole, catch basin, or inlet. All discharges including trucked or hauled pollutants, to the sewer shall be through an approved sewer connection.
- (b) Any gasoline, kerosene, benzene, toluene, ethylbenzene, xylene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (c) 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 receiving waters of the Wastewater Treatment Plant.
- (d) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment, and personnel of the wastewater collection or treatment facilities.
- (e) Any 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, and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, either whole or ground by garbage grinders.
- (f) Any water or wastes that contain an incompatible pollutant.
- (g) Any water or wastes that injure the system.
- (h) Any water or wastes that bypass a pretreatment system.

4.02 DISCHARGE 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 his opinion such more severe limitations are necessary to meet the above objectives. In forming its 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, degree of treatability of the waste in the Wastewater Treatment Plant, and other pertinent

factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

- (a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (b) Any water or waste containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of twenty-five (25) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred forty degrees (140°) Fahrenheit (0° and 60° Centigrade).
- (c) 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.
- (d) Any wastes that cause clogging of collection system sewers; sewage lift stations; and treatment plant equipment, channels, and pipelines. These wastes include, but not limited to, baby wipes, personal hygiene wipes, single-use floor mop pads, dental floss, single-use toilet cleaning pads, protective undergarments, and anti-bacterial surface cleaning wipes.
- (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 plant exceeds the limits established by the Approving Authority for such materials.
- (f) Any waters or wastes containing taste or 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) 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.
- (i) 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.
- (j) Quantities of wastewater flow, concentrations, or both which constitute a "shock" or "slug" as defined herein.
- (k) Materials that exert, cause or contain:
 - (1) Unusual BOD, chemical oxygen demand, phosphorus, total Kjeldahl nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant. A fee will be charged by the Town for review of proposed discharges. The amount of the fee is presented in the Sewer User Charge Schedule.

(2) 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 chloride and sodium sulfate).

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

(4) Any noxious or malodorous liquids, gases, or solids or any pollutants that result in the presence of toxic gases, vapors, or fumes that alone or in combination create a public nuisance or worker health or safety hazard.

(l) Any wastes that create a fire or explosion hazard, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.

(m) Any volatile substance that causes 2 consecutive air monitor readings greater than 5% or any single reading greater than 10% of the Lower Explosive Limit (LEL). Examples of volatile substances include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, and peroxides. Benzene concentrations shall not exceed 0.5 mg/l. Total BTEX (benzene, toluene, ethyl benzene, sylenes) concentrations shall not exceed 1.0 mg/l.

(n) 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 pass through the wastewater treatment plant to cause the wastewater treatment plant to exceed the limits presented by the WPDES permit; or interfere with the sludge management program.

4.03 LOCAL LIMITATIONS. A Class 'B' and Class 'C' user shall not discharge into the sewerage system wastewater containing pollutants in amounts exceeding the flow based concentrations stated below. Where Federal, State or local regulations outline different limitations for the same pollutant, the more stringent limitation shall apply.

Pollutant	Concentration, mg/l
Arsenic (Total)	0.5
Cadmium (Total)	0.5
Chromium (Total)	4.0
Copper (Total)	2.7
Cyanide (Total)	1.0
Lead (Total)	0.4
Mercury (Total)	0.002
Molybdenum	0.1
Nickel (Total)	2.6
Selenium	0.5
Silver	0.7
Zinc (Total)	2.6

No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources.

Discharge of BOD₅ and suspended solids loadings having concentrations greater than domestic strength will be surcharged. The unit costs for BOD₅, suspended solids, and phosphorus loadings are presented in the Sewer User Charge Schedule.

4.04 DEPOSIT OF MATERIALS. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.

4.05 DISCHARGE TO OUTLET. No person shall discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

4.06 PRIVIES AND SEPTIC TANKS. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within areas served by the Town wastewater collection facilities.

4.07 COMBINED SEWERS. No person shall construct combined sewers or other facilities intending to receive both storm run-off and sewage.

4.08 SPECIAL ARRANGEMENTS. No statement contained in this Section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby wastewaters of unusual strength or character may be admitted to the wastewater facilities by reason of the admission of such wastes, and no extra costs are incurred by the Town without recompense by the person provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

SECTION 5. CONTROL OF HIGH STRENGTH - TOXIC WASTES DIRECTED TO PUBLIC SEWERS

5.01 SUBMISSION OF BASIC DATA. Within three (3) months after passage of this Ordinance, establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include a brief description of the activity resulting in the discharge and the location of the discharge, a site plan showing the source of the waste and location of sewers, pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater facilities, and a copy of all material safety data sheets (MSDS) for products used at the facility.

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

5.02 EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by Section 5.01, a request for extension of time may be presented for consideration of the Approving Authority.

5.03 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 4 and which in the judgment of the Approving Authority, may have deleterious effect upon the wastewater facilities, treatment processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable limit for discharge to the public sewers.
- (c) Require control over the quantities and rate of discharge and/or

- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

The toxic pollutants subject to prohibition or regulation under this Chapter 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.

Pretreatment standards for those pollutants that are determined not to be susceptible to treatment by the wastewater treatment plant 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.

5.04 CONTROL MANHOLES. Each sewer customer discharging 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 these wastes, including normal 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.

5.05 METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule shall be accepted by the Approving Authority. Following approval and installation, such meters may not be removed without the consent of the Approving Authority. Metering equipment for wastewater and noncontact cooling water shall be calibrated annually by a third party that is qualified to perform meter calibrations with the results submitted to the Approving Authority. All costs associated with metering of wastes shall be paid by the discharger.

In case of injury or damage to a water meter or waste meter, or in the event they become stopped or work improperly, it shall be the duty of the owner and/or occupant of the premises served to give immediate notice thereof to the Approving Authority. Malfunctioning meters shall be replaced at user's expense.

5.06 WASTE SAMPLING. Class 'B' and Class 'C' Customer 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 sewer customer 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.

5.07 ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes shall be performed by certified and registered laboratories at the expense of the discharger. Certification and registering of laboratories shall be in accordance with Chapter NR 149 of the Wisconsin Administrative Code. All measurements, tests, and analyses of the characteristics of waters and wastes shall be performed in accordance with Chapter NR 219 "Analytical Test Methods and Procedures" of the Wisconsin Administrative Code. 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, at its expense, may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

5.08 WASTEWATER DISCHARGE PERMITS. The Approving Authority may establish a wastewater discharger permit program. Each high strength sewer user may be issued a wastewater discharge permit by the Approving Authority. The permit shall contain the following information and requirements:

- (a) Description of facility and sources of wastewater.
- (b) Description of monitoring facility including location, flow element, and monitoring equipment.
- (c) Requirements for flow meter calibration at discharger expense.
- (d) Requirements for monitoring station maintenance and repairs.
- (e) Notice to Approving Authority two weeks prior to any change in process that affects the characteristics of wastewater discharge (Flow, BOD₅, suspended solids, TKN, phosphorus, and other pollutants).
- (f) Monitoring frequency and requirements.
- (g) Payment by significant users for monitoring.
- (h) Reporting requirements.
- (i) Access to monitoring facilities by authorized representatives of the Approving Authority.
- (j) General conditions.

5.09 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 Collection Facilities or Wastewater Treatment Plant, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the sewerage system.

5.10 SUBMISSION OF INFORMATION. Plans, specifications, and 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 their construction if the effluent from such facilities is to be discharged into the public sewers.

The Approving Authority may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- (a) Wastewater discharge peak rate and volume over a specified time period.
- (b) Chemical analyses of wastewaters.
- (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewerage system control.
- (e) A plot plan of sewers for the user's property showing sewer and pretreatment facility location.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

5.11 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 4.02(b), 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 connected to sources of grease, oil, fats, and sands. The layout of all interceptors shall be approved by the Approving Authority. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be constructed and sized in accordance with State of Wisconsin Department of Commerce 82.34 Standards. 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 owner(s) personnel must be performed by currently licensed waste disposal firms. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with Wisconsin Department of Natural Resources regulations, and save harmless the Town from any and all liability, claims, damages or costs arising out of or resulting from such disposal.

The grease and/or sand interceptors shall be pumped at a minimum frequency of one time per year and inspected annually by a licensed plumber or contract hauler. The sanitary sewer user shall submit a report of such pumpings and inspections to the Town annually on January 1st. The report shall include amount

of grease removed, date of removal, name and license number of inspector, date of inspection, and results of inspection. The frequency of pumping will be more frequent than annually if deemed necessary by the Town.

5.12 NOTIFICATION OF ACCIDENTAL DISCHARGE. The accidental discharge of any prohibited waste into any sewer shall be reported to the Town by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the sewerage system. Notification of such discharge will not relieve the person of liabilities for any expense, loss or damage to the system, or for any fines imposed on the Town on account thereof.

5.13 NOTIFICATION OF SERVICE MAINTENANCE. No person shall do any sanitary sewer service root cutting or similar service pipe maintenance unless they provide the Town or its authorized deputy, agent or representative with notice prior to commencement of the work. The prior notification by sewer user and contractor shall be at least 12 hours before commencement of the work. In an emergency situation where at least 12 hours notification is impractical, the prior notification to the Town or its designee shall be as soon as possible by the quickest available means of communication. The notification shall include the date, time and location of the proposed work. The purpose of the notification requirement is to permit the Town to inspect and assist in the removal of roots in the sewer main to prevent sewer backups. Any person who shall violate any of the provisions of this subsection shall be subject to the penalty provisions of this Ordinance.

SECTION 6. RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION

6.01 RIGHT OF ENTRY. A duly authorized employee of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this Ordinance and state laws. The duly authorized employee of the Town 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.

6.02 SAFETY. While performing the necessary work on private premises referred to in Section 6.01, the duly authorized Town employees shall observe all safety rules applicable to the premises established by the owner or occupant and the Town shall indemnify the owner against loss or damage to its property by Town employees and against the liability claims and demands for personal injury or property damage asserted against the owner and growing out of gauging and sampling operation of Town employees; except as such may be caused by negligency or failure of the owner to maintain safe conditions as required in Section 5.04.

6.03 IDENTIFICATION, RIGHT TO ENTER EASEMENTS. Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town 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 wastewater facilities lying within said easement, all subject to the terms, if any, of the agreement.

SECTION 7. SEWER CONSTRUCTION (BUILDING SEWERS)

7.01 WORK AUTHORIZED. 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 plumbing permit from the Approving Authority. The fee for the plumbing permit shall be determined by the Approving Authority, and shall be paid prior to the issuance of the permit.

7.02 CLASSES OF PERMITS AND FEES. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Approving Authority. An inspection fee for all permits shall be paid to the Town at the time the application is filed. Said fees shall be determined by the Town Board.

7.03 COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Property Owner. The Property Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

7.04 USE OF OLD BUILDING SEWERS. The Town may allow use of old building sewers for connection with new buildings only if they are found on examination by televising and pressure test by a third party, at sewer user's expense, to meet all requirements for this Ordinance.

7.05 MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Wisconsin Administrative Code, the State Department of Natural Resources, the building and plumbing code, and other applicable rules and regulations of the Town. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

7.06 BUILDING SEWER GRADE. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

7.07 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 that 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 60 days from the date of an official written notice by the Approving Authority. Failure to disconnect after such notice shall authorize the Town to cause disconnection and assessment of the costs of such disconnection against the property involved. The Town may, in the alternative, institute legal action for violation of this subsection. Exceptions to the above shall be made only by the Approving Authority in writing.

7.08 CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority 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 and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe.

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

7.10 BARRICADES AND 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 Town.

7.11 MARKER AND TRACER WIRE REQUIRED. Upon completion of the installation and connection, the said applicant or his agent shall install or insert into the earth at the property line and flush with the ground surface a one and one-half (1½) to two inch (2-inch) galvanized pipe at least two (2) feet in length directly over the building sewer. Tracer wire shall be installed from the connection to the Town wastewater collection facilities to the cleanout at the building. Tracer wire shall be NEC Type THWN, 600 volts No. 12 AWG solid copper wire.

7.12 EXCAVATIONS.

(a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.

(b) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so to make the street as good, at least, as before it was disturbed, and satisfactory to the Town.

7.13 USER TO KEEP IN REPAIR. All users shall keep their own sewer service in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

7.14 SEPARATE SEWERS (PRIVATE INTERCEPTORS). A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. The owner shall obtain a Town permit for a private interceptor and shall obtain state approval for same. The cost for the private interceptor shall be in accordance with the Sewer User Charge Schedule in Appendix "A" of this Ordinance.

7.15 MAINTENANCE OF SERVICES. The Town shall maintain the sewer service constructed by the Town from the sewer main to the property line and including all controls between the same, without expenses to the property owner, except when the sewer service is damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case the sewer service will be repaired at the expense of the property owner. All maintenance from the property line throughout the premises and any lateral installed by the owner, must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

7.16 SEPTIC TANKS PROHIBITED. Additional septic tanks or other private sewage disposal systems are not allowed for new development within areas served by the Town wastewater collection facilities.

7.17 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the Town must be notified in writing. Premises can be considered vacated if all fixtures are removed and the lateral is capped to the satisfaction of the Approving Authority. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

7.18 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 and any year, shall be certified to the Town Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

7.19 UTILITY RESPONSIBILITY. It is expressly stipulated that no claim shall be made against said Town by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any area of the said Town, the Town, shall if practicable, give notice to each and every consumer within said Town, of the time when such service will be so shut off.

SECTION 8. SEPTIC TANK AND HOLDING TANK DISPOSAL

8.01 MAINTENANCE AND PUMPING OF SEPTIC TANKS. All septic tanks in the Town of Baileys Harbor shall be pumped and/or inspected in accordance with Door County regulations.

8.02 ANNUAL PERMIT REQUIRED. No person in the business of gathering and disposing of septic tank sludge or holding tanks shall transfer such material into any disposal facility located within the Town unless a permit for disposal has been first obtained from the Town. Written application for such permit shall be made to the Town and shall state the name and address of the applicant, the number of its disposal units and the make, model and license number of each unit. Permits shall be nontransferable, except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The annual permit may be obtained upon payment of a fee in accordance with the Sewer User Charge Schedule. The Town may impose such conditions as it deems necessary on any permit granted.

8.03 CHARGES. Charges for disposal shall be in accordance with the Sewer User Charge Schedule in Appendix "A". Bills shall be mailed on a monthly basis and, if payments are not received in thirty (30) days thereof, shall be subject to the provisions of Section 11.06.

8.04 PUBLIC LIABILITY INSURANCE. Any person or party disposing of septic tank or holding tank sludge shall carry public liability insurance in an amount not less than One Million Dollars (\$1,000,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act or failure to act by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.

8.05 HOLD HARMLESS. The person disposing waste agrees to indemnify and save harmless the Town from any and all liability, claims, damages or costs arising out of or resulting from such disposal.

8.06 COMPLIANCE WITH ORDINANCES. The person disposing of waste shall comply with the provision of any and all applicable ordinances of the Town.

8.07 DUMPING LIMITED TO WASTEWATER TREATMENT PLANT. All dumping shall be done at the dumping facility provided at the Wastewater Treatment Plant site. No dumping will be allowed at remote manholes without verbal or written permission from the Town.

8.08 SUSPENSION OF DUMPING. If the Town determines that they do not have the capacity capable for maintaining separate treatment of septage or holding tank waste, the Town shall limit or suspend such dumping until adequate capacity becomes available.

8.09 DISCHARGE REGISTRATION AND RECORDS. Discharges of septic or holding tank waste shall be discharged at such locations as designated by the Approving Authority. Said discharges shall be registered at the time said discharge is made with the agent or employee of the Town located at the designated discharge point, if none, the discharger must register the name of the Permittee; name and address of waste source; and the time, date and amount of discharge. Discharges shall be registered on a form provided by the Town.

Failure of Permittee, his agents or employees, to comply with this Ordinance shall cause cancellation of said permit and/or the penalties as set forth in Section 12.

SECTION 9. DAMAGE OR TAMPERING WITH SEWAGE FACILITIES

9.01 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 under a charge of disorderly conduct.

9.02 LIABILITY TO DISCHARGER FOR LOSSES. Any person who intentionally, negligently or accidentally violates any provisions of this Ordinance shall become liable to the Town or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the Town 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 12.01 and without consideration for any penalties that may be imposed for a violation of this Ordinance.

SECTION 10. BASIS FOR SEWER SERVICE CHARGES

10.01 CATEGORY A USERS. Category A sewer users shall be assessed a fixed sewer service charge based on the user's EHU rating.

10.02 CATEGORY B USERS. Category B sewer users shall be assessed a fixed sewer service charge based on the user's EHU rating and volume charge based on the metered water consumption of the user or the measured wastewater discharge of the user.

10.03 CATEGORY C USERS. Category C sewer users shall be assessed a fixed sewer service charge based on the user's EHU rating; the volume charge based on the metered water consumption of the user or the measured wastewater discharge of the user; and the surcharge(s) for BOD₅, suspended solids, and phosphorus loadings greater than normal domestic strength wastewater.

10.04 CATEGORY D AND E USERS. Category D and E sewer users shall be assessed a fixed and volume sewer service charge.

10.05 CATEGORY F AND G USERS. Category F and G sewer users shall be assessed a volume sewer service charge.

10.06 EHU FORMULAS. The following formulas shall be used by the Town to determine the EHU rating of sewer users. The formulas can be amended by the Town Board. Every sewer user shall be assigned at least one unit. A sewer user's EHU rating, as calculated by the formulas, shall be rounded to the nearest half unit.

<u>Classification</u>	<u>Formula</u>
(a) Single Resident	One unit
(b) Duplex	Two units
(c) Apartments	One unit per apartment
(d) General Business	One unit per 25 employees
(e) Shopping Center	One unit per 4,000 sq. ft. of floor space
(f) Super Market	One unit per 4,000 sq. ft. of floor space
(g) Motel	Units = bed space of occupancy
(1) With Laundry	Units = bed space of occupancy ÷ 6
(2) Without Laundry	Units = bed space of occupancy ÷ 8
(3) With Kitchen Facilities(*)	One unit per room
(h) Bowling Alley with Bar	0.50 units per alley
(i) Service Station or Garage	One unit
(j) Country Club	One unit per 25 members
(k) School	
(1) With Meals Served	One unit per 15 students
(2) With Meals and Showers	One unit per 12 students
(l) Churches	One unit
(m) Tavern	Units = $\frac{\text{Capacity}}{40}$
(n) Restaurants	
(1) Standard Restaurant	Units = $\frac{\text{Seating Capacity}}{13}$
(2) Drive-in or Short Order	Units = $\frac{\text{Seating Capacity}}{45}$
(3) Restaurant with Bar(s)	Units = $\frac{\text{Seating Capacity}}{10}$
(o) Other Cases	To be determined by Town Board
(*)A kitchen facility is defined as providing a kitchen sink with running water, a cooking element such as a stove or oven and may include cooking utensils. A microwave and refrigerator alone do not constitute a kitchen facility since their use by themselves do not significantly increase the amount of wastewater discharged from the unit.	

10.07 AMOUNT OF SEWER SERVICE CHARGES. The sewer service charges shall be in accordance with the Sewer User Charge Schedules in Appendix "A" of this Ordinance. Sewer service charges shall commence 90 days after the date that a sanitary sewer connection fee/sanitary sewer plumbing permit is issued, or when the building is completed whichever comes first, for a new or remodeled premises. Sewer service charges shall be billed by the Town to the sewer users on a quarterly basis, except that new sewer users shall be subject to the sewer service charges commencing 90 days from the date the sanitary sewer permit/connection fee is issued or when the building is completed whichever comes first, and paid for the new structure.

10.08 REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs, UCE formulas, and/or other related information indicate a change of categories is necessary.

10.09 OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS. The annual replacement revenues shall be maintained in a separate account by the Town to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account, for authorized use, only with the approval of the Town Board and/or Town Administrator.

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

10.10 CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Town's Wastewater Treatment Plant shall pay for such increased costs.

10.11 NEGLIGENT WATER USE O & M SURCHARGE. A surcharge will be levied on the sewer service charge of a user found to have excessive water use due to negligence on his/her part. Negligence includes defective or malfunctioning plumbing, which causes excessive water flow into the collection system. Excessive use would be detected in sewer flow through sewage lift stations.

10.12 RESERVATION OF CAPACITY.

(a) Purpose. The Town of Baileys Harbor has provided sewage collection and treatment facilities with a limited capacity to provide service to current existing residential and business units and for expansions in areas with limited density. To enable the Town to provide additional capacity in the future, the following charges are hereby made.

(b) Capacity Charge. The capacity charge shall mean a charge levied for each EHU as defined in this Ordinance. Said charge does not specifically include charges and costs for the transportation of sewage from the owner's site to the Town's system or plant, as the case may be, nor does it impose an obligation or liability upon the Town to furnish such transportation except for the use of the current system in existence at the time of payment of said charges.

(c) Sewer Capacity Charge: No resident or citizen of the Town of Baileys Harbor shall have the right to connect or to deposit wastewater in the Town of Baileys Harbor sewer system without first obtaining the permits set forth under this Ordinance and paying a capacity charge per EHU prior to issuance of an occupancy permit and a lateral permit fee. The capacity charge and lateral permit fee shall be in accordance with the Sewer User Charge Schedule in Appendix "A" of this Ordinance. Capacity charges and user fees shall become due and payable when a structure is ready for occupancy.

(d) Reservation of Capacity: Any resident, landowner or citizen of the Town of Baileys Harbor may reserve capacity in the system and treatment plant by paying the above indicated fees in advance for each EHU to be built or developed.

(1) Said above stated sewer capacity charges shall reserve capacity in the Town's system for a period of ten (10) years.

(2) Upon the expiration of said time without connection, the Town or any successive owner of the system may refund the unused portion of said capacity reserved without interest to the Owner.

Any owner paying for reserve capacity in the Town's system may request a refund without interest of such unused sewer capacity charges within ten (10) years of payment.

- (3) No refund shall be required under this paragraph if the Town has increased the capacity of its system to provide at least in part capacity for such owner.

"Has increased capacity" shall mean the actual construction of such capacity improvements or the passage of a resolution to commence the planning of such improvements to be completed within three (3) years of said resolution.

- (4) All capacity charges shall be paid before any permits are issued or connections made.

SECTION 11. BILLING PRACTICE

11.01 CALCULATION OF SEWER SERVICE CHARGE. Sewer service charges assessed to Town sewer users shall be computed by the Town according to the rates and formulas presented in Section 10 of this Ordinance.

11.02 SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the Town to the sewer users on a quarterly basis.

11.03 PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the Town for sewer service charges shall pay such charges within thirty (30) days after the billing date at the office of the Town.

11.04 PENALTIES. Charges levied in accordance with this Chapter shall be a debt to the Town. If the debt is not paid within thirty (30) days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of one and one-half percent (1½%) per month to all bills not paid by the date fixed for final payment. Penalties shall compound.

11.05 OBLIGATION FOR PAYMENT. The property owner shall be liable for the sewer service charge bill and penalties. Charges and penalties shall constitute a lien upon the property serviced and be recorded on the Town's tax roll until paid in accordance with this Ordinance. Upon failure to make payment within the time specified, all such delinquent charges with interest will be placed on the next succeeding tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges and penalties.

11.06 PAYMENT OF COMMERCIAL WASTEWATER HAULER'S BILL. A commercial wastewater hauler's bill is expected to be paid in full within 30 days of the statement date. On the 31st day a 1½% penalty shall be added to the outstanding amount on the bill. On the 61st day an additional 5% penalty shall be added to the outstanding amount of the bill. Starting on the 91st day, the hauler will not be allowed to dump wastewater obtained from properties outside of the Town until all outstanding bills are paid in full. The Town administrative office shall immediately report all delinquent accounts to the Wastewater Treatment Plant Superintendent.

Pumpers considered delinquent would still be allowed to dump wastewater obtained from properties within the Town.

SECTION 12. VIOLATIONS AND PENALTIES

12.01 WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

12.02 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 pay the amount established by the Approving Authority to cover damage.. The penalty for not reporting an accidental discharge shall be a forfeiture of One Thousand Dollars (\$1,000).

12.03 CONTINUED VIOLATIONS. Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit \$1,000 per violation together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Door County Jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

12.04 LIABILITY TO THE TOWN FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by reason of such violation that the Town may suffer as a result thereof.

SECTION 13. APPEALS

13.01 PROCEDURES. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within 10 days after notification of the Approving Authority's action, file a written appeal with the Town Clerk.

A fee of \$100 shall accompany any appeal for a ruling by the Town Board. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the Town Board within 45 days from the date of filing. The Town Board shall make a final ruling on the appeal within 60 days from the date of filing.

SECTION 14. VALIDITY

14.01 REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed.

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

14.03 AMENDMENT. The Town through its duly qualified officers, reserves the right to amend this Ordinance in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all person concerned and proper hearing on the proposed amendment.

SECTION 15. USER CHARGE REVIEW AND NOTIFICATION

15.01 BIENNIAL REVIEW. The Town shall review, at least every two years, the sewer user charge revenue for replacement fund costs, capital-related expenses, and the operation and maintenance expenses of the wastewater facilities. The Town shall revise the sewer user charge system, if necessary, to generate sufficient revenues to pay the expenses of the wastewater facilities.

15.02 USER CHARGE NOTIFICATION. The Town shall publish any rate increase in the Town's official newspaper 60 days prior to the rate increase.

SECTION 16. ENACTING CLAUSE

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

16.02 DATE OF ENACTMENT (APPROVAL). Passed and adopted by the Town Board of the Town of Baileys Harbor, in Door County, and the State of Wisconsin, on the 29th day of MARCH, 2016.

ATTEST:

Boyle Smith
Town Clerk

Pensed Little
Town Board Chairman
Town of Baileys Harbor

Passed this 29th DAY OF MARCH 2016

APPENDIX "A"
SEWER USER CHARGE SCHEDULE

Sewer User Charge Schedule

Capacity Charge	\$1,800.00 per EHU
Lateral Permit Fee	\$50.00 per lateral
Sanitary Sewer Fixed Charges	
Residential	\$79.55 per EHU per Quarter
Commercial	\$49.20 per EHU per Quarter
Sanitary Sewer Volume Charges	
Commercial	\$5.20 per 1,000 Gallons
Zak's Barber Shop	\$0.85 per 1,000 Gallons

Unit Surcharge Costs for Wastewater Greater Than Domestic Strength

Parameter	Domestic Strength Concentration	Surcharge Cost
BOD ₅	300 mg/l	\$0.25 per pound
Suspended Solids	350 mg/l	\$0.30 per pound
Phosphorus	10 mg/l	\$2.60 per pound

Hauled Septage and Holding Tank Wastewater Charges

Holding Tank Fixed Charge	\$32.15/EHU
Holding Tank Treatment Charges	\$7.40/1,000 Gallons
Septic Tank Fixed Charge	\$10.70/EHU
Septic Tank Treatment Charges	\$90.25/1,000 Gallons
Out of Township Septic Tank	\$98.20/1,000 Gallons
Out of Township Holding Tank	\$15.35/1,000 Gallons

