Chapter 278

SEWERS

ARTICLE I
Use of Public Sewers

ARTICLE II
Wastewater Service Charges

[HISTORY: Adopted by the Village Board of the Village of Black Creek 6-10-2013 (Title 5, Ch. 1, of the 1987 Village Code). Amendments noted where applicable.]

ARTICLE I
Use of Public Sewers

§ 278-1. Definitions.

The following definitions shall be applicable in this chapter:

AUTHORITY — The Village of Black Creek Water and Sewer Utility as governed by the Village Board of the Village of Black Creek.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at 20° C.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

BUILDING DRAIN, SANITARY — A building drain which conveys sanitary or industrial sewage only.

BUILDING DRAIN, STORM — A building drain which conveys stormwater or other clear-water drainage but no wastewater.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal (also called "house connection").

BUILDING SEWER, SANITARY — A building sewer which conveys sanitary or industrial sewage only.

BUILDING SEWER, STORM — A building sewer which conveys stormwater or other clear-water drainage but no sanitary or industrial sewage.

CLASSES OF USERS — The division of wastewater treatment customers by waste characteristics and process or discharge similarities:

A. RESIDENTIAL — Includes all dwelling units, such as detached, semidetached, and row houses; mobile homes; garden and standard apartments; and permanent multifamily dwellings. (Transient lodging, considered commercial in nature, is not included.)

B. COMMERCIAL — Includes transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption, and/or rendering services to others.

C. INSTITUTIONAL — Includes social, charitable, religious, and educational activities, such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

D. GOVERNMENTAL — Includes legislative, judicial, administrative, and regulatory activities of federal, state and local governments, such as courthouses, police and fire stations, city halls, and similar governmental users.

E. INDUSTRIAL — Includes manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occur in establishments usually described as plants, factories or mills and characteristically use power-driven machines and material handling equipment.

COMPATIBLE POLLUTANT — Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria; plus additional pollutants identified in the WDNR permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

A. Chemical oxygen demand;

B. Total organic carbon;

C. Phosphorus and phosphorus compounds;

D. Nitrogen and nitrogen compounds; and

E. Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

DEPRECIATION — An annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of the treatment works.

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

FECAL COLIFORM — Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

FLOATABLE OIL — Oil, fat or grease in a physical state such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Authority.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage and sale of produce.

INCOMPATIBLE POLLUTANT — Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids.

INDUSTRIAL COST RECOVERY — Recovery from the industrial users of a treatment works of the grant amount allocable to treatment of wastes from such users pursuant to Section 204(b) of P.L. 92-500[1] and 40 CFR Part 35.928(1) and (2).[2]

INFILTRATION — The water entering a sewer system, including building drains and 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.")

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

INFLOW — The water discharge into a sewer system, including building drains and sewers, from such courses 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, stormwaters, surface runoff, street wash waters or drainage. ("Inflow" does not include, and is distinguished from, "infiltration.")

MAJOR CONTRIBUTING INDUSTRY — An industry that:

A. Has a flow of 10,000 gallons or more per average work day;

B. Has a flow greater than 5% of the flow carried by the municipal system receiving the waste;

C. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of P.L. 92-500;[3]

D. Has a significant impact, either singly or in combination with other contribution industries, on a treatment works or on the quality of effluent from that treatment works.

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1. **Editor's Note: See 33 U.S.C. § 1284(b).**
2. **Editor's Note: 40 CFR § 35.928 was reserved December 16, 2014, by 79 FR 76055.**
3. **Editor's Note: See 33 U.S.C. § 1317(a).**

NATURAL OUTLET — Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NORMAL DOMESTIC SEWAGE — As defined for the purposes of determining surcharge, shall mean wastewater or sewage having an average daily suspended solids concentration of not more than 250 mg/l, and average daily BOD of not more than 200 mg/l [an average daily phosphorus concentration of 11 mg/l and containing not more than 2.5 mg/l of hexane-soluble matter (grease and oil)].

NPDES PERMIT — A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of P.L. 92-500.[4]

OPERATION AND MAINTENANCE COSTS — All costs, direct and indirect (other than debt service), necessary to ensure adequate wastewater treatment on a continuing basis conform with related federal, state and local requirements and assure optimal long-term facility management. (These costs include depreciation and replacement.)

PERSON — Any individual, firm, company, association, society, corporation or group discharging any wastewater to WWTW.

pH — The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

PRETREATMENT — The treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

PRIVATE SEWER — A sewer which is not owned by a public authority.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers with no particle greater than 3/8 inch in any dimension.

PUBLIC AUTHORITY — Any governmental agency having jurisdiction by law over construction and use of a wastewater collection or treatment facility.

PUBLIC SEWER — A sewer which is owned and controlled by the public authority and will consist of the following increments:

A. COLLECTOR SEWER — A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

B. INTERCEPTOR SEWER — A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

C. FORCE MAIN — A pipe in which wastewater is carried under pressure.

D. PUMPING STATION — A station positioned in the public sewer service at which wastewater is pumped to a higher level.

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4. **Editor's Note: See 33 U.S.C. § 1342.**

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWER — A sewer which carries sanitary and industrial wastes and to which stormwater, surface water and groundwater are not intentionally admitted.

SEWAGE — The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

A. SANITARY SEWAGE — The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

B. INDUSTRIAL SEWAGE — A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

SHALL — Is mandatory; "may" is permissive.

SIGNIFICANT INDUSTRY — Any industry that will contribute greater than 5% of the design flow or design pollutant loading of the treatment works.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation.

STANDARD METHODS — The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

STORM SEWER — A sewer for conveying water, groundwater or unpolluted water from any course and to which sanitary and/or industrial wastes are not intentionally admitted.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOTAL SOLIDS — The sum of suspended and dissolved solids.

TOXIC AMOUNT — Concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of P.L. 92-500.[5]

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 sanitary sewers and wastewater treatment facilities provided.

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5. **Editor's Note: See 33 U.S.C. § 1317(a).**

USER CHARGE — A charge levied on users of a wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of P.L. 92-500.[6]

VOLATILE ORGANIC MATTER — The material in the sewage solids transformed to gases or vapors when heated at 550° C. for 15 to 20 minutes.

WASTEWATER TREATMENT WORKS — The structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

WATERCOURSE — A natural or artificial channel for the passage of water either continuously or intermittently.

WATER WORKS — All facilities for water supply, filtration plant, storage reservoir, water lines and services, and booster stations for obtaining, treating and distributing potable water.

§ 278-2. Use of public sewers required.

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property with the Village of Black Creek, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Village of Black Creek, or in any area under the jurisdiction of said Village, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this article and the WDNR permit.

C. 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.

D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the Village is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 10 feet of the property line.

§ 278-3. Private sewage disposal.

Private sewage collection and disposal systems will not be permitted within the Village limits where the Village public sewage collection and disposal system is available.

6. **Editor's Note: See 33 U.S.C. § 1284(b).**

§ 278-4. Building sewers and connections.

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village Engineer, or his designees.

B. All disposal by any person into the sewer system is unlawful except those discharges in compliance with federal standards promulgated pursuant to the federal act and more stringent state and local standards.

C. There shall be two classes of building sewer permits:

(1) For residential and commercial services; and

(2) 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 Village Board (reference Appendix No. 1).[7] The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Village Board. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

D. A building utilities permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load. The utilities permit would follow the current fee schedule.

E. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village Engineer from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

F. A separate and independent building sewer shall be provided for every building, except that 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.

G. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village Engineer, to meet all requirements of this article.

H. The size, slope, alignment, material of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the rules and regulations of the Village Board. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the sections of the Wisconsin Administrative Code shall govern such installation.

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7. **Editor's Note: Appendix 1 is included as an attachment to this chapter.**

I. 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 a means which is approved in accordance with Subsection B and discharged to the building sewer.

J. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

K. The connection of the building sewer into the public sewer shall conform to the requirements and applicable rules and regulations of the Village Board, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and the sections of the Wisconsin Administrative Code governing such installation. All such connections shall be made gastight and watertight.

L. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village Engineer;

§ 278-5. Public sewer use regulations.

A. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Village Engineer, to a storm sewer or natural outlet.

C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) 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 sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) 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 sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

D. No industrial user may discharge sewage into any public sewer until the Village Engineer has adopted an industrial cost recovery system which:

(1) Meets the requirements of Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (citation)[8] and applicable federal regulations; and

(2) Has been approved by the Agency in accordance with the conditions of any grant made to the Village of Black Creek by the United States Environmental Protection Agency for the construction of any part of the sewer system or sewage treatment works of the Village.

E. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Village Engineer, that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Village Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

(2) Any waters or wastes containing toxic or poisonous materials; or oil, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150° F. (0° and 65° C.).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Village Engineer.

(4) Any waters or wastes containing strong-acid iron-pickling wastes or concentrated plating solutions, whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village Engineer for such materials.

8. **Editor's Note: See 33 U.S.C. § 1284(b)(1)(B).**

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Village Engineer as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

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

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village Engineer in compliance with applicable state and federal regulations.

(10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village Engineer in compliance with applicable state and federal regulations.

(11) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(d) Unusual volume of flow or concentrations of wastes constituting slugs, as defined herein.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

F. Powers of Village Engineer when prohibited waste flows are present.

(1) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection E, and/or which are in violation of the standards for pretreatment provided in Chapter 1 EPA Rules and Regulations, Subchapter D, Water Programs, Part 128, Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the Village Engineer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village Engineer may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Subsection K.

(2) If the Village Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village Engineer and subject to the requirements of all applicable codes, ordinances, and laws.

G. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

H. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

I. Each industry shall be required to install a control manhole and, when required by the Village Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Village Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

J. Laboratory tests; responsibility of owner.

(1) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this article and any special conditions for discharge established by the Village Engineer or regulatory agencies having jurisdiction over the discharge.

(2) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village Engineer, but no less than once per year, the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the federal, state, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village Engineer at such times and in such manner as prescribed by the Village Engineer. The owner shall bear the expense of all measurements, analyses and reporting required by the Village Engineer. At such times as deemed necessary, the Village Engineer reserves the right to take measurement and samples for analysis by an outside laboratory service.

K. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

L. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village Engineer and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village Engineer for treatment, subject to payment therefore, in accordance with this chapter, by the industrial concern, provided such payments are in accordance with federal and state guidelines for user charge system and industrial cost recovery system.

M. Maintenance of services.

(1) All sewer services within the limits of the Village at the point of connection to the street main and all street mains shall be maintained and repaired by the Village without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner.

(2) All building sewers and laterals located in the public right-of-way or easement from the point of connection to the sewer main and all facilities throughout the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served.

(3) The property owner shall be responsible to investigate the cause of the sewer lateral failure. If the failure is determined to be located between the sewer main and the property line, the Village shall be responsible for repair of the service, if:

(a) The failure is caused by external forces generated by street traffic; or

(b) The installation, maintenance, or repair of other utilities contributed to the sewer service failure.

N. In the event of a dispute; the dispute will be brought before the Utility Committee for a decision.

§ 278-6. Protection of sewage works from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 278-7. Violations and penalties.

Any person found to be violating any provision of this article except § 278-6 shall be served by the Village Engineer with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village Engineer may revoke any permit for sewage disposal as a result of any violation of any provision of this article.

A. Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount as provided in § 1-4, General penalty, of Chapter 1, General Provisions. Each day in which any such violation shall continue shall be deemed a separate offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

B. Any person violating any of the provisions of this article shall become liable to the Village Engineer by reason of such violations.

ARTICLE II
Wastewater Service Charges

§ 278-8. Basis for charges.

A. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance, plus replacement, a debt service charge and a surcharge, if applicable.

B. The debt service charge shall be computed by dividing the annual debt service of all outstanding loans by the number of users, plus Outagamie Producers Cooperative, which shall be assessed its proportionate share based on design of the wastewater treatment plant. Through further divisions, the monthly debt service charges can be computed.

C. The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations: A five-day, twenty-degree-Celsius biochemical oxygen demand (BOD) of 200 mg/l and a suspended solid (SS) content of 250 mg/l. It shall consist of operation and maintenance costs, plus replacement, and shall be computed as follows with the exception of Outagamie Producers Cooperative, which shall be set forth hereafter:

   (1) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.

   (2) Proportion the estimated costs to wastewater facility categories by volume, suspended solids and BOD, if possible.

(3) Estimate wastewater volume, pounds of SS and points of BOD to be treated.

(4) Proportion the estimated costs to nonindustrial and industrial users by volume, suspended solids and BOD.

(5) Compute costs per 1,000 gallons for normal sewage strength.

(6) Compute surcharge costs per 1,000 gallons per mg/l in excess of normal sewage strength for BOD and SS.

D. A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200-mg/l and 250-mg/l concentration for BOD and SS, respectively. Article I, Section 6[9] specifies the procedure to compute a surcharge.

E. The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs, including replacement costs.

§ 278-9. Measurement of flow.

A. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

B. If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Village Engineer for the purpose of determining the volume of water obtained from these other sources.

C. Devices for measuring the volume of waste discharged may be required by the Village Engineer if these volumes cannot otherwise be determined from the metered water consumption records.

D. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Village Engineer.

§ 278-10. User rates.

A. Saputo Dairy shall be charged according to the current contract.

B. Other Village customers shall be charged according to the current PSC tariff for Black Creek water utilities. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

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9. **Editor's Note: So in original.**

§ 278-11. Basic user rates.

A. Saputo Dairy shall be charged according to the current contract.

B. All other Village customers:

(1) Flow: Per current PSC tariff for Black Creek utilities.

§ 278-12. General provisions.

A. Payments.

(1) Rates or charges for sewer service shall be paid monthly.

(2) The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village.

(3) Bills for sewer service shall be sent out by the Village Clerk-Treasurer on a quarterly basis covering the period for which the service is billed.

(4) All sewer bills are due and payable on the 20th of the month. A penalty of 1 1/2% shall be added to all bills not paid by the 20th day after they have been rendered.

B. Delinquent bills. If the charges for such service are not paid within 30 days after rendering the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

C. Revenues.

(1) All revenue and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Clerk-Treasurer separate and apart from his or her private funds and separate and apart from all other funds of the Village.

(2) The Village Clerk-Treasurer shall receive all such revenue from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village." Said Clerk-Treasurer shall administer such fund in every respect in the manner provided by statute.

D. Accounts.

(1) The Village Clerk-Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts, in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular, annual intervals he shall cause to be made an audit, by an independent auditing concern, of the books to show the receipts and disbursements of the sewerage system.

(2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(a) Flow data showing total gallons received at the wastewater plant for the current fiscal year.

(b) Billing data to show total number of gallons billed.

(c) Debt service for the next succeeding fiscal year.

(d) Number of users connected to the system.

(e) Number of nonmetered users.

(f) A list of users discharging nondomestic wastes (industrial users) and volume of waste discharged.

§ 278-13. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person, firm or corporation violating any provisions of this article shall be subject to a forfeiture as provided in § 1-4, General penalty, of Chapter 1, General Provisions, for each offense.

§ 278-14. Access to records.

The United States Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transactions thereof to ensure compliance with the terms of the special and general conditions of any federal court.

§ 278-15. Implementation of industrial cost recovery system.

A. The industrial cost recovery system shall take precedence over any terms or conditions of agreements or contracts between the Village and industrial users which are inconsistent with the requirements of the Federal Water Pollution Control Act[10] and these industrial cost recovery regulations.

B. The Village shall maintain all records that are necessary to document compliance with these regulations.

10. Editor's Note: See 33 U.S.C. § 1251 et seq.

§ 278-16. User charge system based on actual use.

A. Each user or user class of the Village's wastewater treatment services shall pay its proportionate share of operation and maintenance (including replacement) costs of treatment works, based on the user's proportionate contribution to the total wastewater loading from all users (or user classes). To ensure a proportional distribution of operation and maintenance costs to each user (or user class), the user's contribution shall be based on factors such as strength, volume, and delivery flow rate characteristics.

B. The Village shall review users charges annually and revise them periodically to reflect actual treatment works operation and maintenance costs. Implementation of the user charge system shall be accomplished with the assistance of the Village Engineer.

278 Attachment 1

Appendix 1

Application For Sewer Permits

Residential or Commercial Building Sewer Application.

To the Village of Black Creek:

A. THE UNDERSIGNED, being the _____ of property located
(Owner, Owner's Agent)
at _____ DOES HEREBY REQUEST a permit to install and
(Number) (Street)
connect a building to serve the _____ at said location.
(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen sinks	_____	Water closets
_____	Lavatories	_____	Bathtubs
_____	Laundry tubs	_____	Showers
_____	Urinals	_____	Garbage grinder

Specify other fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____.

3. The name and address of the person or firm who will perform the proposed work is __
_____.

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the Code of the Village of Black Creek, Wisconsin, and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building sewer at no expense to the Village.

3. To notify the Village Building Inspector when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATED: _____ SIGNED: _____
(Applicant)

_____
(Address of Applicant)

_____
(Certification of Village Clerk)

$_____ Tap-in fee paid.
Application approved and permit issued:

DATED: _____ SIGNED: _____
(Building Inspector)
Village of Black Creek