

Village of Sister Bay Code of Ordinances

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1 **Section 62.1 General Intent.**

2 The general intent of this chapter is to establish rules for the village sewer system, water system, and the opera-
3 tion of private wells.

4 **Section 62.2-4 Reserved.**

5 **Section 62.5 Sewer and Water System Requirements; Management Operation and Control.**

6 (a) Generally. The management operation and control of the sewer and water systems of the village are vested
7 in the Village Board. All records, minutes, financial records and all written proceedings of the Village
8 Board shall be kept by the administrator. The sewer and water systems are further regulated by the state
9 department of natural resources. The water system is a separate utility established according to the state
10 public service commission and is by that subject to the rules and established rate file of the commission.
11 A copy of the current rate file is available at the administrator's office and the Sewer and Water Utility
12 Office. Besides the rules established by this chapter, all applicable county, state and federal rules shall be
13 followed as they pertain to the sewer and water systems.

14 (b) Construction. The board has the power to construct sewer and water lines for public use and has the power
15 to lay sewer and water pipes in and through the alleys, streets and public grounds of the village; and
16 generally, to do all such work as may be found necessary or convenient in the management of the sewer
17 and water systems. The board has power by itself, its officers, agents and servants to enter upon any land
18 for making examination or supervise in the performance of its duties under this chapter without liability
19 therefore; and the board has power to purchase and acquire for the village all real and personal property
20 that may be necessary for construction of the sewer and water systems or for any repair, remodeling or
21 additions thereto.

22 (c) Maintenance of services. The owner shall maintain sewer and water services from the street main to the
23 house including all controls between the street main and the house, without expense to the village, unless
24 they are damaged by the village. All claims for damage by the village must be made by the owner to the
25 village according to applicable law. All sewer and water services must be maintained free of defective
26 conditions by and at the expense of the owner or occupant of the property. When any sewer and water
27 services are to be re-laid and there are two or more buildings on such service, each building shall be
28 disconnected from such service and new sewer and water services shall be installed for each building.

29 (d) Condemnation of real estate. Whenever any real estate or any easement therein, or use of it, shall in the
30 judgment of the board be necessary to the sewer and water systems, and whenever, for any cause, an
31 agreement for the purchase of it cannot be made with the owner, the board may proceed with all necessary
32 steps to take such real estate, easement or use, by condemnation according to statute and the Uniform
33 Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

34 (e) Title to real estate and personalty. All property, real, personal and mixed, acquired for the construction of
35 the sewer and water systems, and all plans, specifications, diagrams, papers, books and records connected
36 with such sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property
37 of the village.

38 **Section 62.6 Sewer and Water User Rules and Regulations.**

39 *(Sections 62.6(a)-(d) amended Ordinance No. 152-060909)*

40 a) Purpose. The Village of Sister Bay is committed to providing clean drinking water to all of its residents in
41 particular to the customers of the Village's Water Utility. The Village Board finds and determines that improperly
42 constructed, unused or improperly abandoned private wells are a known pathway for the entrance of contami-
43 nants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined
44 that cross connecting of private wells and municipal water sources may lead to contamination. Contamination
45 of the Village's water supply would severely and adversely affect the health, safety and general welfare of Village
46 residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is nec-
47 essary and in the public interest that all wells within the corporate limits of the Village, whether existing or

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1 hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandon-
2 ment as set forth in this section.

3 The rules and regulations of the Village concerning sewer and water users in this chapter shall be considered a
4 part of the contract with every person, company or corporation who is connected to or uses the Village sewer
5 and water systems, and every person, company or corporation by connecting with the sewer system or
6 wastewater treatment facility shall be considered as expressing his/her or their assent to be bound. In addition,
7 these rules and regulations of the Village in this chapter shall apply to all properties, persons, companies or
8 corporations who use wells, septic systems and holding tanks in the Village not currently receiving service from
9 the Village.

10 The Village Board reserves the right to change the rules and regulations from time to time, as it may deem
11 advisable; and to make special rates and contracts in all proper cases. Persons connected to the sewer and water
12 systems of the Village are referred to in this chapter as “users.” This chapter ordains that the failure to connect
13 to the sewer and water system is contrary to the minimum health standards of the Village and fails to ensure
14 preservation of public health, comfort and safety of Village residents.

15 b) Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipefitting work
16 related to the sewer or water system without first receiving a license from the State. All service connections to
17 the sewer main or water main shall comply with the State plumbing code. The Village herein adopts by reference
18 Chapter COMM. 82, Wisconsin Administrative Code, of the State Plumbing Code. This section does not super-
19 sede the State Plumbing Code and Chapter 14 of this Municipal Code but is supplementary to them.

20 c) Mandatory hookup.

21 1) The owner of each parcel adjacent to sewer and water mains on which there exists a building usable for
22 human occupation, or in a block through which utility systems extend, shall connect to the systems.
23 Once the new system is placed in service, the property owner will receive a written notice that they must
24 connect within 180 days from that notice. Once 180 days have lapsed and the property has not connected
25 to the system, the Village may provide a second written notice that the Village is commencing the pro-
26 cess to undertake the work and will bill the property owner for the costs including all administrative and
27 staff expenses. Costs not paid within 30 days shall be assessed as a special tax lien against the property.
28 The owner may within 30 days after the completion of the work file a written option with the Utility
29 Manager stating that he/she cannot pay the amount in one sum and ask that it be levied in no more than
30 five equal annual installments and that the amount shall be so collected with interest at prime rate plus
31 7 percent maximum per annum from the completion of the work, the unpaid balance being a special tax
32 lien, all pursuant to Wisconsin Statutes § 281.45.

33 2) Instead of the provisions of subsection (c)(1) of this section, the Village at its option may impose a
34 penalty for the period that the violation continues, after ten days written notice to any owner failing to
35 make a connection to the sewer and water systems, of an amount equal to four times the minimum
36 quarterly charge for the sewer, fire protection and water service payable quarterly for the period in which
37 the failure to connect continues, and, upon failure to make the payment, a charge shall be assessed as a
38 special tax lien against the property, all pursuant to Wisconsin Statutes § 281.45.

39 d) Private Wells in General. To prevent unused, unsafe and/or improperly constructed wells from serving as a
40 passage for contaminated surface or near surface waters or other materials to reach the usable groundwater, these
41 wells must be properly maintained or filled and sealed. Section NR 811.10, Wisconsin Administrative Code,
42 provides that a municipal water system shall require abandonment of all unused, unsafe or non-complying pri-
43 vate wells located on premises served by the water system. All properties within the Village limits shall be
44 governed by this section. All property owners must obtain a well permit as specified below in order to operate
45 or utilize a well.

46 1. Private Well Abandonment Requirements.

47 (a) Any private well which is unused, unsafe or non-complying and which serves any premises required
48 to be connected to a water main under Section 62.2 of this Chapter shall be permanently abandoned

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1 within six months after connection of the premises to the water system, unless a well operation permit
2 has been obtained by the well owner pursuant to subsection (2) below. Abandonment shall be con-
3 ducted by filling and sealing in accordance with the provisions of Chapter NR 812 Wisconsin Admin-
4 istrative Code. It shall be the responsibility of the landowner of any real property upon which a well
5 is located to see to it that all wells located on the owner's property have been properly abandoned in
6 accordance with the procedures of Wisconsin Administrative Code NR Chapter 812, regardless of
7 whether the owner has used the well. Upon discovery of any unused or previously abandoned well,
8 the owner shall notify the Village and comply, insofar as is practicable, with the procedures of this
9 section. In the case of a previously abandoned well, if the owner can produce proof of compliance
10 with state well abandonment requirements to the satisfaction of the Village, compliance with this sec-
11 tion may be deemed satisfied. The determination shall be at the discretion of the Utility Manager upon
12 considering the present and future possibility of ground water contamination at the well site.

- 13 (b) The owner of the well or the owner's agent who will conduct the abandonment shall notify the Village
14 at least two business days prior to commencement of any well abandonment activities so that the
15 Village may observe the abandonment.
- 16 (c) Wells must be abandoned by licensed well drillers and or pump installers.
- 17 (d) Wells to be abandoned shall be filled according to the procedures outlined in Wisconsin Administrative
18 Code NR Chapter 812. The pump and piping must be removed and the well checked for obstructions
19 before plugging. Any obstruction or liner must be removed. A well abandonment report must be sub-
20 mitted by the well owner to the State Department of Natural Resources on forms provided by that
21 agency and a copy provided to the Village. The report shall be submitted immediately upon completion
22 of the filling of the well.

23 2. Permit for wells for outdoor or agricultural watering for properties served by Village Utilities.

- 24 (a) Any owner of a private well which is required to be permanently abandoned pursuant to sub-
25 section (1)(a) above shall apply to the Village for permission to maintain the well in good oper-
26 ating condition for the sole purpose of providing water for filling swimming pools, lawn or
27 garden watering or other similar agricultural purpose, provided that the well continues to pass
28 all tests required for private wells and the owner shall agree to pay the cost of abandonment
29 when the well shall be permanently abandoned.
- 30 (b) Every owner of a private well which was in existence on January 1, 1990, that serves premises
31 also served by the municipal water system and who wants to continue to use the well shall obtain
32 a permit for the use of the well from the Village within 90 days from the effective date of this
33 section § 62.6(d)(2) determined to be May 14, 1991. Drilling new private wells that will be used
34 under the circumstances described in this subsection may not commence until a permit for the
35 excavation of the private well has been granted in accordance with the terms of this section.
- 36 (c) Applications for a permit for the excavation or use of a private well under this section shall be
37 made in writing by the owner or owners of the well to the Village on forms provided by the
38 Village. A \$50 processing fee shall accompany any private well excavation or renewal permit
39 application. A permit shall be granted to a well owner to operate a well for a period not to exceed
40 five years if the requirements of this subsection are met. Failure to obtain an initial or renewal
41 permit will result in a late permit fee of \$100 plus the penalties in section (6). Permit applications
42 shall be made and submitted on forms provided by the Village. Permits and permit renewals will
43 be granted under this section only for wells and pump installations where:
- 44 1) No physical connection shall exist between the piping of the public water system and the
45 private well.
- 46 2) Bacteriologically safe water is evidenced by at least two water samples taken one week apart.
47 (*Amended Ord. 266-052119*)

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1 3) There are no known exceedances of the preventive action limits (PALs) set forth in Chapter
2 NR 140, Wisconsin Administrative Code.

3 4) The well and pump installation shall meet the requirements of Wisconsin Administrative
4 Code NR Chapter 812 in effect at the time of the well construction and pump installation. A
5 well constructor's report shall be on file with the State Department of Natural Resources or
6 Certification of the Acceptability of the well shall have been granted by the private water supply
7 section of the State Department of Natural Resources. The well and pump system shall be eval-
8 uated by a licensed well driller or pump installer and certified to comply with ch. NR 812 sub
9 ch.IV, every 10 years afterward. Written documentation of the well and pump inspection indi-
10 cating compliance with DNR Wis. Adm. Code Ch. NR 812 requirements using standardized
11 forms provided by the DNR.

12 5) The proposed use of the well can be justified as necessary in addition to water provided by
13 the public water system.

14 **Section 62.6(3) and Section 62.6(4) deleted per Ordinance 286-101921**

15 5. Additional conditions of well permit. The right to construct, install and maintain a well as authorized
16 by permit under this section shall be expressly conditioned upon the owners and successors in interest
17 complying with the following:

18 (a) The owner shall permit the Village access to the well for inspection and testing at any time during
19 normal working hours. If entry is refused, the well permit is revoked, and the owner shall proceed
20 with abandonment as specified above. On request, the owner, lessee or occupant of any property so
21 served shall furnish to the inspector any pertinent information regarding the piping system on the
22 property.

23 (b) No repair or modification of any well may be performed unless done by a properly licensed indi-
24 vidual. At least one business day notice to the Village prior to undertaking the repairs is required so
25 the work may be inspected. Any and all plumbing code permits as required shall also be obtained
26 prior to undertaking any work.

27 (c) The Village shall have the right to sample the water after completion of any repairs or modifications.
28 The sampling shall be at the owner's cost and may either be done by the Village or by the owner at
29 the Village's direction.

30 (d) The Village shall have the right to randomly test or to direct the owner to test the well not more than
31 two times in any six-month period. The Village may require additional testing if there is reason to
32 believe some contamination may be present or that the results of previous tests may be invalid. The
33 Village at its option may require testing for contaminants to include microbiological, radioactive,
34 inorganic, synthetic organic, pesticides, herbicides and volatile organic substances. The Utility Man-
35 ager shall report the results of testing and the resulting remedial action to the DNR on an annual
36 basis. If the test results suggest that a severe or area wide problem exists, the Utility Manager shall
37 notify the DNR immediately.

38 (e) The cost of any testing and sampling as provided in this section shall be paid by the owner upon
39 invoice by the Village.

40 (f) A permit issued in accordance with the provisions of this section shall be revoked by the Utility
41 Manager upon notice to the permittee that any of the following have occurred:

42 1) The owner of the well has refused access to a well for testing or has failed to follow a direction
43 of order of the Village in regard to testing or sampling.

44 2) The owner of any well has neglected to pay for any tests authorized within 30 days of billing or
45 invoice.

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- 1 3) Any test results demonstrate well contamination and do not meet reasonable health standards or
2 are in violation of any state or municipal ordinance dealing with well operation.
- 3 4) The parties aggrieved by permit revocation may appeal the initial decision of the Utility Manager
4 to the Village Board by filing a written petition for review with the Village Clerk.

5 e) Private wastewater systems prohibited. The maintenance and use of septic tanks and other private sewage
6 disposal systems within the area the village services by its sewer system are declared a public nuisance and a
7 health hazard. The use of septic tanks or any private sewage disposal system within the area of the village ser-
8 viced by the sewerage system is prohibited.

9

10 f) Application for initial sewer and water service. Every person connecting with the sewer and water systems
11 initially shall file an application in writing to the Utility Manager in such form as is prescribed for that purpose.
12 Blanks for such application will be furnished at the office of the administrator and the Sewer and Water Utility
13 Office. The application must state fully and truly all the uses the applicant intends to make of the sewer and
14 water systems. If the applicant is not the owner of the premises, the written consent of the owner must accompany
15 the application. If it appears that the service applied for will not provide adequate service for the contemplated
16 use, the board may reject the application. If the board approves the application, it shall issue a permit for services
17 as shown on the application.

18 g) Septage disposal. Between August 1 and September 1 of each year, every licensed disposer wishing to dis-
19 charge septage to the village's wastewater treatment works shall file a nonrefundable filing fee and an application
20 in writing to the board in such a form as is prescribed for that purpose. During the months of July and August,
21 forms for such application will be furnished at the office of the Utility Manager. The application must state fully
22 and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the village's
23 wastewater treatment works. During September, the board will evaluate the applications and determine the
24 amount and conditions of septage disposal at the village's wastewater treatment facility. The board shall approve
25 or reject all applications by October 1 of each year. If the board cannot accept the proposed septage disposal,
26 then consideration shall be given first to those generators of septage that are within the septage service area. The
27 septage service area includes the Town of Liberty Grove, the village and the Liberty Grove Sanitary District No.
28 1. All village approvals for septage disposal shall have the condition that any time the wastewater treatment
29 works has operational problems, maintenance problems or the threat of WPDES permit violations that are indi-
30 rectly or directly related to septage disposal, the village may immediately restrict septage disposal outside the
31 septage service area until corrective action or mitigative measures have been taken. Septage shall be discharged
32 only at the village wastewater treatment plant and only by village approved and state licensed disposers and at
33 locations, times and conditions as specified by the board. Any licensed disposer that discharges septage into the
34 village's wastewater treatment plant between December and March will be subject to a late fee. The late disposal
35 fee will be posted on the haulers fee schedule. (*Amended Ord. 299-062122*)

36 h) User to keep in repair. All users shall keep their own sewer service pipes in good repair and protected from
37 frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. The
38 service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain
39 of the building to the sanitary sewer main.

40 i) Backflow preventor. All floor drains shall have a backflow prevention valve installed at the owner's expense.

41 j) User use only. No user shall allow others or other services to connect to the sewer or water system through
42 his lateral.

43 k) Vacating of premises and discontinuance of service. Whenever premises served by the system are to be
44 vacated, or whenever any person wants to end service from the system, the Utility Manager must be notified in
45 writing. Upon such notification, the village will cause an inspection to be made of the system. If any damages
46 are discovered having occurred to the system, other than through the fault of the system itself, or village em-
47 ployees, representatives or agents, the owner of the premises shall be liable for such damages.

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1 l) User to permit inspection. Every user shall allow the board or its duly authorized agent, at all reasonable hours
2 of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the
3 drains and sewer connections operate.

4 m) Damage and repairs. No claim shall be made against the village or acting representative due to the breaking,
5 clogging, stoppage or freezing of any service pipes; nor from any damage arising from repairing mains, making
6 connections or extensions or any other work that may be deemed necessary. The right is here reserved to cut off
7 the service any time for repairs or any other necessary purpose, any permit granted or regulations to the contrary
8 notwithstanding. Whenever it shall become necessary to shut off the sewer or water service within any area of
9 the village, the Utility Manager shall, if practicable, give notice to every consumer within the village, of the time
10 when such service will shut off.

11 n) Water cross connection control.

12 1) No person shall establish or permit to be established or maintain or permit to be maintained any cross
13 connection. A cross connection shall be defined as any physical connection or arrangement between two
14 otherwise separate systems, one of which contains potable water from the village water system, and the
15 other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals
16 so there may be a flow from one system to the other, the direction of flow depending on the pressure
17 differential between the two systems. No interconnection shall be established so potable water from a
18 private, auxiliary or emergency water supply other than the regular water supply of the village may enter
19 the supply or distribution system of the village, unless such private, auxiliary or emergency water supply
20 and the method of connection and use of such supply shall have been approved by the village and by the
21 state department of natural resources.

22 2) It is the duty of the village to cause inspections to be made of all properties served by the public water
23 system where cross connections with the public water system is deemed possible. The frequency of
24 inspections and re-inspections based on potential health hazards involved shall be as established by the
25 board and as approved by the state department of natural resources.

26 3) Upon presentation of credentials, a representative of the village shall have the right to request entry at
27 any reasonable time to examine any property served by a connection to the public water system of the
28 village for cross connections. If entry is refused, such representative may obtain a special inspection
29 warrant under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served
30 shall furnish to the inspection agency any pertinent information regarding the piping systems on such
31 property.

32 4) The village shall cease water service to any property in which any connection violating this chapter
33 exists and to take such other precautionary measures deemed necessary to eliminate any danger of con-
34 tamination of the water system. Water service shall be ceased only after reasonable notice and oppor-
35 tunity for hearing under Wis. Stats. Chapter 68, except as provided here. Water service to such property
36 shall not be restored until the cross connection has been eliminated in compliance with the provisions
37 of this chapter.

38 5) If it is determined by the village that a cross connection or an emergency endangers public health, safety
39 or welfare and requires immediate action, and a written finding to that effect is filed with the Utility
40 Manager and delivered to the customer's premises, service may be immediately ceased. The customer
41 shall have an opportunity for a hearing under Wis. Stats. Chapter 68 within ten days of emergency dis-
42 continuance.

43 o) Prohibitions against discharge to sewer. No person shall discharge or cause to be discharged any of the
44 following described liquids or solid wastes to any sanitary sewer or to the wastewater treatment facility:

45 1) Any stormwater, surface water, groundwater, roof run off, sump pump, surface drainage, or any other
46 connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer
47 or other waterway with written permission of the village.

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- 1) 2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances that by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way harmful to persons, property or the operation of the wastewater facilities.
- 2) 3) Any waters or wastes containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant or interference with the disposal of sludge.
- 3) 4) Any waters or wastes having a pH lower than six or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the wastewater facility. (*Amended Ord. 264-031919*)
- 4) 5) Any waters or wastes having a pH more than nine. (*Amended Ord. 264-031919*)
- 5) 6) Solid or viscous substances in quantities or of a 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, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair or fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- 6) 7) Any discharge into the sanitary sewerage system that is violating the requirements of the WPDES permit and the modifications of it.
- 7) 8) Wastewater having a temperature higher than 150 degrees Fahrenheit or cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- 8) 9) Any waters or wastes which may contain more than 100 parts per million by weight of oils, fat or grease.
- 9) 10) 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 consumption on the premises or when served by caterers.
- 10) 11) 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 treatment facility exceeds the limits established by the village for such materials.
- 11) 12) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the village.
- 12) 13) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the village complying with applicable state or federal regulations.
- 13) 14) Quantities of flow, concentrations or both that form a slug load as defined in this chapter.
- 14) 15) Incompatible pollutants containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- 15) 16) Any waters or wastes that, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.
- 16) 17) Materials, which exert or cause:
 - a. Unusually high BOD5, chemical oxygen demand or chlorine requirements, such as, but not limited to, when in such quantities as to form a significant load on the wastewater treatment facility.

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- b. Unusual flow or concentrated wastes forming a slug load as defined in this chapter.
- c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
- d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

p) Special wastewater agreements. No statement contained in this chapter shall be construed as prohibiting any special agreement between the village and any person by which an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, if there is no impairment of the functioning of the wastewater treatment facility due to the admission of the wastes and no extra costs are incurred by the village without recompense by the person, if all rates and provisions set forth in this chapter are complied with.

q) Wastewater permit required. It shall be unlawful to discharge to any natural waterway within the village or in any area under the jurisdiction of the village any sewage or other polluted waters without first obtaining a WPDES permit.

r) Abandoned water connection. Whenever any connection to the Water System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must remove any pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Water Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Water Utility may authorize this work done and billed back to the property owner or placed on the tax roll as a special assessment or fee.

s) Abandoned sewer connection. Whenever any connection to the Wastewater Collection System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must expose the line at the property line, disconnect and permanently cap the pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Sewer Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Sewer Utility may authorize this work done and billed back to the property owner.

Section 62.7 Sewer Connection Fees.

a) Sewer connection fees. All new users to the sewer system are required to buy into the system wide improvements through an initial connection charge. The initial connection charge will be levied against each user connected to the sanitary sewer. The single-family residence connection charge will be on file in the village payable before connection to the sewer. Initial connection charge for multiple-family, commercial or industrial buildings will be based on a multiple of the single-family connection charge or residential equivalent user (REU). The initial connection charge for restaurants, small commercial or industrial connections will be based on a multiple of the volume of water usage and strength of wastewater in comparison to a typical single-family residence residential equivalent user having the following standards:

REU Standards

Volume	225 gallons per day
BOD (Biochemical Oxygen Demand)	0.51 pounds per day
SS (Suspended Solids)	0.60 pounds per day
Phosphorus	0.03 pounds per day

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1 b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all proper-
2 ties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the
3 work and to set up the account for billing purposes.

4 **Section 62.8 Water Connection Fee.**

5 a) Water Lateral Installation Charge. The initial water service lateral(s), not installed as part of a subdivision
6 development or an assessable utility extension, will be installed from the main through the curb stop and box by
7 the utility, for which the actual cost will be charged. (Amended Ordinance 133-100207)

8 b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all proper-
9 ties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the
10 work and to set up the account for billing purposes.

11 **Section 62.9 User Charge System.**

12 a) Policy. It is the policy of the Village Board to obtain sufficient revenues to pay the costs of the operation and
13 maintenance of the water, wastewater collections and treatment facilities, including a replacement fund (i.e., a
14 cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurte-
15 nances that are necessary to maintain the capacity and performance of those facilities during the service life for
16 which such facilities were designed and constructed), through a system of water and sewer service charges as
17 defined in this section. The system shall ensure that each user of the sewerage facilities pays a proportionate
18 share of the cost of facilities.

19 b) Reassignment of users. The village will reassign water and sewer users into appropriate water and sewer
20 service charge categories if wastewater sampling programs, changes in water demand and other related infor-
21 mation show a change of categories is necessary.

22 c) Sewer User charge methodology. The Utility Committee shall establish and approve the methodology for
23 sewer use rates. The following factors shall be used to calculate the debt service and operation, maintenance and
24 replacement charges for the treatment of village and outside wastewaters:

25 1. Debt service charges.

26 2. Operation, maintenance and replacement charges.

27 3. Surcharges. All users shall pay a surcharge on wastewater exceeding normal concentrations.

28 d) Water User Charge System. The methodology for determining water rates is established by the Wisconsin
29 Public Service Commission. The water user charges are established and included in the Wisconsin Public Service
30 Commission (WPSC) rate file established for the village.

31 e) Review and approval of rates. The Village Utility Committee shall provide oversight of the utilities consistent
32 with the requirements of the Wisconsin Public Service Commission. The Utility Committee will prepare an
33 annual budget and capital improvement plan on the same schedule as the Village Budget for approval by the
34 Village Board. The Utility Committee will conduct a review of wastewater and water rates on alternate years for
35 Village Board consideration.

36 f) Records and expenditures. The water and sewer utility shall maintain all records of revenue and expenditures
37 as required by the WPSC and statutes.

38 g) Annual sewer system audit. The village shall conduct an annual audit, the purpose of which shall be to
39 maintain the proportionality between the users and user classes of the sewer user charge system and to ensure
40 that adequate revenues are available relative to increasing operation, maintenance and replacement costs for the
41 sewer and wastewater treatment works and water system.

42 h) Sprinkler and landscape credits are not allowed. (Amended Ordinance 287-110921)

43 **Section 62.10 Payment of Charges.**

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Utility Code

1 a) Payment. The sewer and water service charges shall be billed quarterly and shall be payable to the Water and
2 Sewer Utility not later than 20 days after the end of each period. Every reasonable care will be exercised in the
3 proper delivery of sewer and water bills. Failure to receive a sewer and/or water bill, however, shall not relieve
4 any person of the responsibility for payment of sewer and water rates within the prescribed period, nor exempt
5 any person from any penalty imposed for delinquency in the payment of it. The property owner is held respon-
6 sible for all sewer and water bills on the premises that he owns. All sewer and water bills and notices of any
7 nature about the sewer or water system will be addressed to the owner and delivered to the premises referred to
8 on such bill or notice. A late payment charge of three percent (3.0%), but not less than \$0.50, will be added to
9 all bills not paid within the 20 days of issuance. (Amended Ordinance 133-100207)

10 b) Charges a lien. All sewer charges shall be a lien upon the property serviced pursuant to Wis. Stats. §
11 66.0821(4)(d) and all water charges shall be a lien on the property serviced pursuant to Wis. Stats. § 66.0809
12 and all such charges shall be collected in the manner therein provided.

13 c) Disposition of revenue.

14 1. Sewer system.

15 (a) The amounts received from the collection of charges authorized by this chapter shall be credited to a
16 sanitary sewerage account that shall show all receipts and expenditures of the sewerage system. Charges
17 collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account.
18 These funds are to be used exclusively for replacement. When appropriated by the village, the credits to
19 the sanitary sewerage account shall be available for the payment of the requirements for operation,
20 maintenance, repairs and depreciation of the sewerage system consistent with 40 CFR 35.929. Any sur-
21 plus outside the preview of 40 CFR 35.929, in such account, shall be available for the payment of prin-
22 cipal and interest of bonds issued and outstanding, or that may be issued, to provide funds for such
23 sewerage system, or part of it, and all or a part of the expenses for additions and improvements and other
24 necessary disbursements or indebtedness, and the village may resolve to pledge each surplus or any part
25 of it for any such purpose. All present outstanding sewer system general obligation bonds on the effec-
26 tive date of the ordinance from which this chapter is derived, including refunding bonds, shall be paid
27 from this fund as to both principal and interest.

28 (b) Excess revenues collected for a user class will be applied to operation and maintenance costs attributable
29 to that class for the next year.

30 **Section 62.11 Control of High Strength Waste and Septage Wastes.**

31 a) High Strength Waste discharges. If any waters, wastes or septage are discharged, or proposed to be discharged,
32 to the public sewers or at the wastewater treatment facility, which waters, wastes or septage contain substances
33 or possess the characteristics enumerated in subsection 62.6(o) that, in the judgment of the village, may have
34 deleterious effects upon the wastewater treatment facility, processes, equipment, receiving waters or which oth-
35 erwise create a hazard to life, health or form a public nuisance, the village may:

- 36 1. Reject the wastes.
- 37 2. Require pretreatment to an acceptable condition for discharge to the public sewers.
- 38 3. Require control over the quantities and rates of discharge.
- 39 4. Require payment to cover the added cost of handling and treating the wastes not covered by existing
40 taxes or sewer charges under the provisions of section 62.9. (Amended Ordinance 133-100207)

41 b) Control manholes.

- 42 1. Each person discharging high strength wastes into a public sewer shall construct and maintain one or
43 more control manholes or access points to ease observation, measurement and sampling of his wastes,
44 including domestic sewage.

Village of Sister Bay Code of Ordinances

Utility Code

2. Control manholes or access facilities shall be located and built in a manner acceptable to the board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the board.
3. Control manholes, access facilities and related equipment shall be installed by the person discharging the high strength waste, at his expense, and shall be maintained by the person discharging the waste to be in safe condition, accessible and in proper operating condition always. Plans for installation of control manholes or access facilities and related equipment shall be approved by the board before the beginning of construction.

c) Metering of waste. Devices for measuring the volume of waste discharged may be required by the village if this volume cannot otherwise be estimated. Where required by the village, metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the village.

d) Waste sampling.

1. High strength wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of such wastes. The determinations shall be made by the industrial classification or the licensed disposer as often as may be deemed necessary by the village.
2. Samples shall be collected in such a manner as to represent the composition of the wastes. The sampling may be accomplished either manually or by mechanical equipment acceptable to the village.
3. Testing facilities shall be the responsibility of the person discharging the high strength waste or septage and shall be subject to the approval of the village. Access to sampling locations shall always be granted to the village or its duly authorized representative. 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.

e) Pretreatment. When required, in the opinion of the village, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater conveyance and treatment facilities, the discharger shall provide at his expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.

f) Grease, oil and sand interceptors. The intent of the following grease interceptor requirements are to provide rules to eliminate or decrease the accumulation of grease in the pipes and pumps of the sanitary sewer collection system and to reduce the waste loading of undesirable elements at the treatment plant. This will serve to reduce or eliminate special costs to the sewer users, such as sewer cleaning due to grease plugs, odor control and additional chemical treatment. *[Amended Ordinance 214-081313]*

Grease, oil and sand interceptors shall be provided when, in the opinion of the Utility Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 62.6(o)(9); except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall meet the requirements of Wisconsin Administrative code SPS 382.34. 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 the means of disposal, which are subject to review by the Utility Manager. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms.

In addition to the requirements stated above, all restaurants, food processing and similar facilities must comply with the requirements of Subsections (1) and (2) below.

1. Installation of Grease Interceptors:

- (a) No later than December 1, 2014 grease interceptors must be provided at all restaurants, food processing and similar facilities for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 62.6 (o)(9).

Village of Sister Bay Code of Ordinances

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1 (b) All interceptors shall meet the requirements of Wisconsin Administrative code SPS 382.34, except
2 that the Village shall reserve the right to require all new restaurants, food processing and similar facilities
3 to have exterior grease interceptors.

4 2. Inspection and Cleaning of Grease Interceptors:

5 (a) All interior grease interceptors must be inspected by the restaurant or food processing facility owner
6 or authorized employee and cleaned once per month, except during periods when restaurants, food
7 processing and similar facilities are not open for business.

8 (b) All exterior grease interceptors must be inspected and cleaned by a licensed pumper or hauler by
9 May 1 of each year.

10 (c) The Utility Manager, or the representative for the Utilities Department, shall have the authority to
11 require more or less frequent cleanings. (Amended Ordinance 272-012820)

12 (d) All interceptor inspections and cleaning must be recorded on a form provided by the Utility, and a
13 signed copy must be affixed to a clipboard, and prominently displayed in public view for inspection by
14 Utilities Staff. If a commercial hauler performs the cleaning service, his name and signature must be
15 recorded on the form after each cleaning. Failure to properly clean the interceptor, and to display the
16 cleaning records with an executed and signed inspection/cleaning form will result in violation. If the
17 restaurant or food processing facility has not been open for business or in operation during the month
18 to be reported, it should be so noted on the reporting form. (Amended Ordinance 249-151617)

19 (e) If the Utility inspection reveals that an interceptor is in need of cleaning, a written notice will be
20 issued to the owner or his representative, and the Utility will have the interceptor cleaned. The owner
21 will be billed the cost for cleaning the interceptor, including a service charge by the Utility. Delinquent
22 bills with interest will be placed on the tax roll for the property as a special charge.

23 (f) If the Utility inspection reveals that an interceptor is defective or undersized so as to not work
24 properly the Utility Manager may order the repair or replacement of the interceptor.

25 (g) Wastes from interceptor cleaning shall not be disposed of in the sanitary sewer system.

26 (h) Grease liquefiers or solvents of any kind shall not be used to clean grease interceptors.

27 (i) The Utility Manager shall annually report to the Utility Committee and Village Board on the com-
28 pliance of the various businesses and facilities with these provisions no later than May 15 each year.

29 g) Analyses.

30 1. All measurements, tests and analyses of the characteristics of waters, wastes and septage to which ref-
31 erence is made in this chapter shall be determined according to "Standard Methods for the Examination
32 of Water and Wastewater," published by the American Public Health Association and "Guidelines Es-
33 tablishing Test Procedures for Analysis of Pollutants," (40 CFR 136). Sampling methods, locations,
34 times, durations, and frequencies are to be determined on an individual basis subject to approval by the
35 village.

36 2. Determination of the character and concentration of the high strength wastes shall be made by the person
37 discharging them or his agent, as designated and required by the village. The village may also make its
38 own analyses of the wastes and these determinations shall be used as a basis for charges. If the person
39 discharging the waste contests the determination, the village may elect to have an independent laboratory
40 determine the character and concentration of the waste. Such independent laboratory shall be acceptable
41 to both the village and the person discharging the waste. All costs incurred by the independent laboratory
42 in determining shall be assumed by the discharger.

43 h) Submission of information. Plans, specifications and any other pertinent information relating to proposed
44 flow equalization, pretreatment or processing facilities shall be submitted for review of the village before the
45 start of their construction if the effluent from such facilities is to be discharged into the public sewers.

Village of Sister Bay Code of Ordinances

Utility Code

1 i) Extension of time. When it can be demonstrated that circumstances exist that would create an unreasonable
2 burden on the person proposing to discharge a waste, to comply with the time schedule imposed in this chapter,
3 a request for extension of the time may be presented for consideration by the board.

4 **Section 62.12-14 Reserved.**

5 **Section 62.15 Violations and Penalties.**

6 a) Damages and accidental discharge.

- 7 1. Damages. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy,
8 uncover, deface or tamper with any structure of pertinence or equipment that is a part of the sewer system
9 or water system.
- 10 2. Accidental discharge. Any person found responsible for accidentally allowing a deleterious discharge
11 into the sewer system that causes damage to the treatment facility and/or receiving body of water shall,
12 besides a fine, pay the amount to cover damages, both values to be established by the village.

13 b) Written notice of violation.

- 14 1. Any person connected to the sewerage system or water system found violating a provision of this chapter
15 shall be served by the village with a written notice stating the nature of the violation and providing a
16 reasonable time for the satisfactory correction of it. If the person does not correct the violation within
17 the time set by the village, then the person shall be liable for the penalties set forth in subsection (e) of
18 this section from the day of first violation. The offender shall, within the period stated in such notice,
19 permanently cease all violation.
- 20 2. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found vio-
21 lating a provision of this chapter or of any conditions of the Village Board's approval for septage dis-
22 posal, may have his approval immediately revoked. This revocation shall be done in writing and state
23 the reason for revoking the septage disposal approval.
- 24 3. Whenever any of the rules and regulations, or others as the Village may hereafter adopt, are violated,
25 the use of service shall be shut off from the building or place of violation (even if there are two or more
26 parties receiving service through the same connection) and shall not be re-established except by order
27 of the Village Board and on payment of all arrears, the expenses and established charges of shutting off
28 and putting on and other terms as the Village Board may decide. With the violation, the Village Board,
29 furthermore, may declare any payment made for the service by the parties committing the violation, to
30 be forfeited, and the payment shall then be forfeited.

31 c) Liability to village for losses. Any person violating any provision of this chapter shall become liable to the
32 village for any expense, loss or damage occasioned because of a violation that the village may suffer as a result
33 of it.

34 d) Damage recovery.

- 35 1. The sewer utility shall have the right of recovery from all persons an expense incurred by such utility
36 for the repair or replacement of any sewer pipe damaged in any manner by any person by the perfor-
37 mance of any work under their control or by any negligent acts.
- 38 2. The water utility shall have the right of recovery from all persons any expense incurred by such utility
39 for the repair or replacement of any water pipe, curbcock, gate valve, hydrant or valve box damaged in
40 any manner by any person by the performance of any work under their control or by any negligent act.
41 Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged
42 by them and the utility will not be responsible for the damage to the motor vehicle because of such
43 accident.

44 e) Penalties for Well Abandonment.

Village of Sister Bay Code of Ordinances

Utility Code

1 Failure to abandon any well after revocation of a permit to follow the provisions of Wisconsin Administrative
2 Code NR Chapter 812, in abandoning the well is hereby deemed a public nuisance, and the Village may cause
3 the well to be properly abandoned and may assess the cost against the owner of the affected property and collect
4 it as a special tax.

5 f) Penalties for Cross Connections.

6 The Village may discontinue water service to any property wherein any connection in violation of this section
7 exists, if the Village reasonably believe that a cross connection may contaminate the municipal water system.
8 The Village may also take other precautionary measures deemed necessary to eliminate any danger of contami-
9 nation of the public water system. Water service shall be discontinued only after reasonable notice and oppor-
10 tunity for hearing under Chapter 68, Wisconsin Statutes, except as provided below. Water service shall not be
11 restored until the matters in violation of this section have been eliminated and the private well and plumbing
12 brought into compliance with the provisions of this section or adequate assurance is given the Village in its
13 discretion that this section will be complied with in a timely manner. If it is determined by the Village that a
14 failure of compliance with this section endangers the public health, safety or welfare and requires immediate
15 action and a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises,
16 service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter
17 68, Wisconsin Statutes, within ten days of an emergency discontinuance.

18 g) Penalties. Any person who shall violate any of the provisions of this chapter shall, upon conviction, forfeit
19 not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution (pursuant to Wis. Stats. § 66.0114).
20 This, however, shall not bar the village from enforcing the connection duties set out in subsection 62.6(c) for
21 mandatory hookup. Compliance with this chapter may also be enforced by injunction order at the suit of the
22 village to prevent or cause the discontinuance of a violation of any of the provisions of this chapter. This chapter
23 may be enforced by the issuance of a citation to any violator of this chapter by the Village Administrator, by any
24 state officer with police powers or any other duly appointed law enforcement officer of the Village.

25 h) Continued violation. Any person, partnership, corporation or any officer, agent or employee thereof who shall
26 continue any violation beyond the notice time limit provided shall, upon conviction, forfeit not less than \$500.00
27 per day of continued violation with the costs of prosecution. In default of payment of forfeiture and costs, such
28 violator shall be imprisoned in the county jail for a period not to exceed five days. Each day in which any
29 violations is continued beyond the notice time limit shall be deemed a separate offense.

30 **Section 62.16 Definitions.**

31 Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:
32

33 Approving authority means the Village Board or its duly authorized committee, agent or representative.
34

35 Backflow means:
36

- 37 1. A flow condition induced by a differential in pressure that causes the flow of water or other liquid into the
38 distribution pipes of a potable water supply from any source or sources other than its intended source.
39
- 40 2. The backing up of water through a conduit or channel in the direction opposite to normal flow.
41

42 Biochemical oxygen demand (BOD) means the quantity of oxygen used in the biochemical oxidation of organic
43 matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD
44 shall be made according to procedures set forth in the most recent edition of "Standard Methods."
45

46 Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge
47 from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.
48

Village of Sister Bay Code of Ordinances

Utility Code

1 Building sewer means the extension from the public sewer or other place of disposal beginning outside the inner
2 face of the building wall.

3
4 Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional
5 pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the publicly
6 owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants
7 to a substantial degree.

8
9 Cross connection control means a program for protecting the public water system from contamination due to the
10 backflow of contaminants through the water service connection into the public water system.

11
12 Debt service charges means all costs associated with the repayment of debts incurred for the construction and/or
13 rehabilitation of the wastewater collection system and treatment facility.

14
15 Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by
16 treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat
17 if it is properly pretreated and the wastewater does not interfere with the collection system.

18
19 Garbage means the residue from the preparation, cooking and dispensing of food, and from the handling, storage
20 and sale of food products and produce.

21
22 Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded
23 to such degree that all particles will be no greater than one half inch in any dimension and will be carried freely
24 in suspension under normal flow conditions in public sewers.

25 I
26 Improperly constructed well means a well or pump installation that does not comply with the provisions of Wis.
27 Admin. Code NR Chapter 812 in effect at the time of construction of the well, at the installation of a contami-
28 nation source, at the installation of the pump or completion of work on the well or pump installation.

29
30 Incompatible pollutants mean wastewater or septage with pollutants that will adversely effect or disrupt the
31 wastewater processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.
32 High Strength waste means the wastewater from commercial or industrial processes, trade or business, as distinct
33 from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

34
35 Laterals (service lateral) means:

- 36 1. A ditch, pipe or other conduit entering or leaving a water main from the side.
- 37 2. A sewer that discharges into the main sewer or other sewer branch.

38
39 Licensed disposer means a person holding a license under Wis. Stats. § 281.49(1)(a).

40
41 Meter means an instrument installed to measure the volume and/or rate of flow of water delivered through it.

42
43 Municipal wastewater means the spent water of a community. The wastewater may be a combination of the
44 liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, with
45 any groundwater, surface water and stormwater that may be present.

46
47 Natural outlet means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of
48 surface water or groundwater.

49
50 Normal domestic strength wastewater means wastewater with concentrations less than 300 mg/l BOD, 250 mg/l
51 suspended solids and 12 mg/l phosphorus.

Village of Sister Bay Code of Ordinances

Utility Code

1 Normal user means a user whose contributions to the wastewater treatment facility consist only of normal do-
2 mestic strength waste originating from a house, apartment, condominium or other living quarters occupied by a
3 person or persons making up a distinct household, business or commercial enterprise.
4

5 Operation and maintenance costs means all costs associated with the operation and maintenance of the
6 wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear
7 water) flows, shall be divided proportionately among the various sewer users according to their equivalent user
8 factors.
9

10 Parts per million means a weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall
11 be equivalent to pounds per million gallons of water.
12

13 Person means any person, including any individual, firm, company, municipal or private corporation, associa-
14 tion, society, institution, enterprise, government agency or other entity.
15

16 pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of
17 hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen
18 ion concentration of 10⁻⁷.
19

20 Potable water means water that does not contain objectionable pollution, contamination, minerals or infective
21 agents and is considered satisfactory for domestic consumption.
22

23 Public sewer means any sewer provided by or subject to the jurisdiction of the village. It shall also include
24 sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into
25 the village's sanitary sewer system, although those sewers may not have been constructed with village funds.
26

27 Pump installation means the pump and related equipment used for withdrawing water from a well including the
28 discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well
29 seals or caps.
30

31 Replacement costs means a service charge levied on users of the wastewater collection and treatment facilities
32 for payment of capital expenses and operation and maintenance costs, including replacement of such facilities.
33 Sanitary District: means the portion of the Town of Liberty Grove covered by the Liberty Grove Sanitary District.
34

35 Sanitary sewage means a combination of liquid and water carried wastes discharged from toilets and/or sanitary
36 plumbing facilities, with such groundwater, surface water and stormwater as may be present.
37

38 Sanitary sewer means a sewer that carries liquid and water carried wastes from residences, commercial buildings,
39 industrial plants and institutions, with small quantities of groundwater, stormwater and unintentionally admitted
40 surface water.
41

42 Septage means scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault
43 toilet or privy. This does not include the waste from a grease trap.
44

45 Sewage means spent water of a community. The preferred term is "municipal wastewater."
46

47 Sewer service areas means the areas presently served and anticipated to be served by a sewage collection system.
48 State regulations (Wis. Admin. Code NR § 121.05) require that water quality management plans delineate sewer
49 service areas for urban areas with a population of over 10,000. Approved facility plans contain less detailed
50 sewer service areas for communities under a population of 10,000.

Village of Sister Bay Code of Ordinances

Utility Code

1 Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities
2 for payment of use related capital expense and operation and maintenance costs, including replacement of such
3 facilities.

4
5 Sewerage system means as defined in Wis. Stats. § 281.01(14).

6
7 Shall means mandatory; may means permissible.

8
9 Slug load means any substance released at a discharge rate and/or concentration that causes interference to the
10 wastewater treatment processes.

11
12 Standard methods means the examination and analytical procedures set forth in the most recent edition of "Stand-
13 ard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American
14 Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

15
16 Storm drain (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, sub-
17 surface water or unpolluted water from any source.

18
19 Stormwater runoff means that portion of the rainfall that drains into sewers.

20
21 Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater,
22 septage or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods" and is
23 called non-filterable residue.

24
25 Unpolluted water means water of a quality equal or better than the effluent criteria in effect or water that would
26 not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary
27 sewers and wastewater treatment facilities provided.

28
29 Unsafe well means a well or pump installation that produces water contaminated bacteriologically or water
30 contaminated with substances in exceedance of the standards of Wis. Admin. Code NR Chapter 109 or Chapter
31 140 or for which a health advisory has been issued by the state department of natural resources.

32
33 Unused well means a well or pump installation that is not in use or does not have a functional pumping system.
34 USEPA means the United States Environmental Protection Agency.

35
36 User/customer means any person, owner or occupant, firm, partnership, corporation, municipality, cooperative
37 organization, government agency, political entity, etc., provided with water and/or sewer service by any water
38 and/or sewer public utility.

39
40 Utility means a public or private concern engaged in the performance of some useful service, such as furnishing
41 water, gas, electricity or sewer facilities.

42
43 Utility Committee means the committee established by the Village that provides oversight on the operation of
44 the Village Utilities. (*Amended Ord. 298-062122*)

45
46 Utility District means: the portion of the Liberty Grove Sanitary District designated to provide sanitary sewer
47 service and water service.

48
49 Wastewater facilities means the structures, equipment and processes required to collect, carry away, store and
50 treat domestic and industrial wastes and septage and dispose of the effluent.

51

Village of Sister Bay Code of Ordinances

Utility Code

1 Wastewater treatment works means an arrangement of devices and structures for treating wastewater, septage,
2 industrial wastes and sludge. Sometimes used synonymously with waste treatment.

3
4 Water main means the water pipe, located beneath a street, right-of-way or easement from which domestic water
5 supply is delivered to the service pipe (lateral) leading to specific premises.

6
7 Water supply means:

- 8 1. The sources of water for public or private uses. When United States Environmental Protection Agency
9 standards have been met, the supply is termed "an approved water supply";
- 10 2. The furnishing of good potable water under satisfactory pressure for domestic, commercial, industrial
11 and public service and an adequate quantity of water under reasonable pressure for firefighting.

12
13 Water system means as provided in Wis. Stats. § 811.02(25). Collectively, all of the property involved in the
14 operation of the water utility, including land, water lines and appurtenances, pumping stations, treatment plants
15 and general property.

16
17 Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

18
19 Well means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods
20 for obtaining groundwater for consumption or other use.

21
22 Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code
23 Comm. NR Chapter. 812.

24
25 Wisconsin Pollutant Discharge Elimination System (WPDES) Permit means a document issued by the state
26 department of natural resources that establishes effluent limitations and monitoring requirements for the munic-
27 ipal wastewater treatment facility.

28
29 WDNR means the Wisconsin Department of Natural Resources.

30
31 WPSC means the Wisconsin Public Service Commission that governs the rates, rules and regulations of the
32 village water utility.

33 **Section 62.17-19 Reserved.**

34 **Section 62.20 Establishment of Impact Fees**

35 The following fees are impact fees established by the Village pursuant to Section 66.0617, Wis. Stats.:

- 36 a) Impact fees pursuant to Section 62.28 of this Chapter.

37 **Section 62.21 Definitions**

38 In this Section:

- 39 a) All words shall have the same meanings as set forth in Section 66.0617, subsection (1), Wis. Stats.
- 40 b) The word "development" shall have the same meaning as the phrase "land development."

41 **Section 62.22 Documentation**

42 The following Village documents contain the needs assessments for the impact fees identified under Section 3
43 above, demonstrate Village compliance with the requirements of Section 66.0617(4), Wis. Stats., and shall be
44 kept on file and available for public inspection in the Office of the Village Clerk:

45 "Public Facilities Needs Assessment for the Downtown Sanitary Sewer and Watermain Improvements"
46 dated June 2008 (Amended Ordinance No. 145-081208)

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Section 62.23 Revenues

Revenues collected by the Village as impact fees shall be placed by the Village Treasurer in segregated interest-bearing accounts and shall be accounted for separately from other funds of the Village. Impact fee revenues and interest earned on impact fee revenues may be expended by the Village only for the capital costs for which the impact fees were imposed. Separate accounts shall be kept of fees collected from different impact fee zones, where the particular Impact Fee Ordinance provides for differential fees according to zones, and revenues collected in particular zones shall be spent in those zones as appropriate.

Section 62.24 Time Limit for Expenditures

a) The Village determines the following lengths of time appropriate for the planning, financing, acquisition, and construction of the public facilities listed below:

1. Downtown Sanitary Sewer and Watermain Improvements from August 12, 2008 through July 31, 2015. (Amended Ordinance No. 145-081208)

b) Maximum Time to Use Impact Fees Collected From the Time of Fee Collection:

1. Type of Facility: Downtown Sanitary Sewer and Watermain Improvements 2028 (Amended Ordinance No. 145-081208)

c) Fees held by the Village under Section 62.23 above, and not used within the time period specified herein, shall be refunded to the persons who are the current owners of record, at the expiration of such time period, of the property with respect to which the impact fees were imposed.

Section 62.25 Payment of Impact Fees

All required impact fees, unless expressly excepted in a section of this Chapter, shall be paid before a building permit may be issued for the construction for which the impact fee is to be imposed. With respect to any development affected by any impact fee imposed under this Chapter which is under construction at the time the ordinance imposing such impact fee becomes effective or which has received a building permit at such time, all required impact fees shall be paid before a certificate of occupancy may be issued for such development. Impact fee payments shall be assumed to be the responsibility of the owner of record at the time the building permit is requested.

Section 62.26 Installment Payments

The Village Board, by resolution, may authorize the payment of impact fees, otherwise payable in full, in installment payments. If installment payments are authorized, interest shall be paid on the installment payments at the same rate then charged by the Village on installments of special assessments.

Section 62.27 Appeals

A developer may appeal to contest the amount, collection or use of the impact fee in the manner provided herein:

a) It shall be a condition to the commencement of such an appeal that the impact fee from which the developer appeals shall be paid as and when the fee or any permitted installment thereof becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.

b) The only questions appealable under this section are the following, as authorized by Section 66.0617(10), Wis. Stats.:

1. The amount of fee charged and paid by the developer;
2. The method of collection of the impact fee;
3. The use to which the particular fee paid by the developer is made by the Village.

c) Appeals must be brought within 30 days of the earlier of:

1. The date the impact fee is payable hereunder;

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- 1 2. In a situation where installment payments are allowed, the due date of the first required install-
2 ment.
- 3 d) The appellant shall pay a filing fee of \$300 at the time of filing of the appeal. The notice of appeal shall
4 be filed with the Village Clerk.
- 5 e) Following the filing of the notice of appeal, the Village Clerk shall compile a record of the ordinance
6 imposing the impact fee that is the subject of the appeal and a record of the management and expenditure
7 of the proceeds of the impact fee, and shall transmit these documents to the Village Board. In consultation
8 with the Village departments, the Village Clerk shall also compile a report on each appeal in which the
9 appellant is seeking a reduction or total refund in the impact fee paid. This report shall specify the fiscal
10 impact on the Village of Sister Bay if the appeal overturns the impact fee. If the fiscal impact re-port
11 indicates that the appeal, if successful, will cause a revenue shortfall that otherwise was not budgeted with
12 respect to the public facility, and if this revenue shortfall cannot be reconciled by reduction in impacts
13 caused by development on the appellant's property, the report shall estimate whether it will be necessary
14 for the Village to adjust impact fees, or amend existing ordinances, to recover the proposed revenue short-
15 fall. (f) The Village Board shall hold a public hearing on the appeal, preceded by a Class 1 notice, providing
16 fair opportunity for the appellant to be heard. The burden shall be on the appellant to establish illegality
17 or impropriety of the fee from which the appeal has been taken. Following the close of the public hearing,
18 the Village Board shall deliberate upon the matter, and shall conduct such studies and inquiries as it deems
19 appropriate to decide the appeal.
- 20 f) If the Village Board determines that the appeal has merit, it shall determine appropriate remedies. These
21 may include reallocation of the proceeds of the challenged impact fee to accomplish the purposes for
22 which the fee was collected, refunding the impact fee in full or in part, along with interest collected by the
23 Village thereon, or granting the appellant the opportunity to make the impact fee payment in installments,
24 or such other remedies as it deems appropriate in a particular case.

25 **Section 62.28 Impact Fee Amounts**

- 26 a) The Downtown Sanitary Sewer and Watermain Improvements impact fee for every residential meter
27 equivalent is \$861.00 effective on September 1, 2010. (*Amended Ordinance No. 179-121410*)