

CHAPTER 17.00 WASTEWATER UTILITY

- 17.01 Purpose and Intent
- 17.02 Definitions
- 17.03 Utility Commission to Control
- 17.04 Payment of Charges
- 17.05 Revenues
- 17.06 Debt Services
- 17.07 Sewage Collection and Treatment Regulations
- 17.08 Wastewater Treatment Bill
- 17.09 Private Sewage Treatment and Disposal
- 17.10 Service to Outlying Territory
- 17.11 Discharge Permits
- 17.12 Liquid Waste Haulers
- 17.13 Enforcement
- 17.14 Penalties

17.01 PURPOSE AND INTENT.

- A. The purpose of the Code is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the Village of Jackson, and is designed to provide the legislative enactments required under Public Law 92-500, as amended and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of the Code and to provide penalties for its violations.

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

17.02 DEFINITIONS.

For the purpose of this Code, the following definitions shall be used. Words used in the present tense, including the future, the singular number includes the plural number, the plural number includes the singular number. The word “shall” is mandatory and not directory, while the word “may” is permissive.

Accrued Reserves. Accrued Reserves shall remain a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an on-going, on-line waste treatment facility.

Act. Act shall mean the Federal Water Pollution Control Act Amendments of 1972, as amended, Public Law 92-500, as amended, 33 U.S.C. par. 1251 et seq. (Supp. IV, 1974).

Administrator. Administrator shall mean the Regional Administrator of Region 5 of the U.S. Environmental Protection Agency.

Annual Notification. All sewer service customers shall be notified annually concerning the breakdown of their sewer service charges to specifically identify the portion of the total sewer service charges that are attributed to Operation, Maintenance, and Replacement costs.

Audit. Audit shall mean an audit as a separate report from other funds and shall cover the following:

1. Financial operations are properly conducted;
2. Financial reports are presented fairly;
3. Applicable laws and regulations have been complied with;
4. Resources are managed and used in an economical and efficient manner.

Authorized Expenditures. Authorized Expenditures shall mean those expenditures authorized by the Utility and made payable from the accounts kept for the expenditures of the user charge. Expenditures from the reserve funds shall be limited to those for which the fund was created.

Billable Biochemical Oxygen Demand (BOD). Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Engineer. Minimum waste strength of BOD shall be the domestic waste concentration of two hundred and thirty eight (238) milligrams per liter for the purpose of billing for user charges.

Billable Flow. Billable Flow shall mean a user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer-exempt metered data, times the approved percentage factor for wastewater entering the sewer system out of the metered water.

Billable Total Suspended Solids (TSS). Billable Total Suspended Solids (TSS) shall mean a user's loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the Engineer. Minimum waste strength of TSS shall be the domestic waste concentration of two hundred and thirty-three (233) milligrams per liter for the purpose of billing user charges.

Biochemical Oxygen Demand (BOD). Biochemical Oxygen demand (BOD) shall mean the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees centigrade.

Building Drain – Sanitary. Building Drain – Sanitary shall mean that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins three (3) feet outside the building wall.

Building Drain – Storm. Building Drain – Storm shall mean that part of the lowest horizontal piping of a drainage system which receives storm water or other clear water discharge, but receives no wastewater from sewage or other drainage pipes, and is located outside the walls of a building and conveys the sewage to the building sewer, which begins three (3) feet outside the building wall.

Building Sewer – Sanitary. Building Sewer – Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.

Building Sewer – Storm. Building Sewer – Storm shall mean the extension from the building drain to the public sewer or other place of disposal and conveys storm water or other clear water drainage, but no sanitary or industrial sewage. This is also known as a house connection.

Classes of Users. Classes of users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial or governmental.

Collection Sewer. Collection Sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Combined Sewage. Combined Sewage shall mean a combination of both wastewater and storm or surface water.

Combined Sewer. Combined Sewer shall mean a sewer intended to receive both wastewater and storm or surface water.

Commercial User. Commercial User shall mean, for the purpose of the user charge system, a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

Commission. Commission shall mean the governing body of the Village of Jackson Utility.

Compatible Pollutant. Compatible Pollutant means BOD, suspended solids (SS), pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly-owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

Deposited. Deposited shall mean placing funds in control of the Utility and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

Debt Service. Debt Service shall mean the annual payments required on bonds or other promissory notes for principal and interest for loans or bonds for capital expenditures for the sewerage system.

Dissolved Solids. Dissolved Solids shall mean that concentration of matter in the sewage consisting of colloidal particulate matter one (1) micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

Utility. Utility shall mean the Village of Jackson Sewer Utility.

Director. Director shall mean the chief administrator of the Utility.

Engineer. Engineer shall mean the chief engineer of the Utility registered as a Professional Engineer by the State of Wisconsin.

Domestic Level User or Residential User. Domestic Level User or Residential User shall mean, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one or more persons and whose wastes originate from the normal living activities of its inhabitants.

Easement. Easement shall mean an acquired legal right, less, than fee simple, for the specific use of land owned by others.

Fecal Coliform. Fecal Coliform shall mean any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

Floatable Oil. Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the district.

Force Main. Force Main shall mean a pipe in which wastewater is carried under pressure.

Functional Betterment. Functional Betterment shall mean a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterment or is an indirect improvement to the process as a result of renewal on a cost effective basis.

Functional Obsolescence. Functional Obsolescence shall mean the process deficiency of a functional element of a plant beyond the capacity of a preventative maintenance program to such extent that a new process device or piece of equipment would be more cost effective.

Garbage. Garbage shall mean 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. Incompatible Pollutant shall mean any non-treatable waste product including non-biodegradable dissolved solids.

Industrial User. Industrial User shall mean, for the purpose of the user charge system, a manufacturing or processing facility, which is engaged in a production or profit-making venture. For the purpose of this Code, an industrial user shall mean any

nongovernmental user of publicly-owned treatment works, identified in the Standard Industrial Classification manual, 1972, as amended and supplemented, prepared by the Statistical Policy Division, Office of Management and Budget, including but no limited to the following divisions:

- a. Division A – Agriculture, Forestry, and Fishing
- b. Division B – Mining
- c. Division D – Manufacturing
- d. Division E – Transportation, Communications, Electric, Gas and Sanitary Services
- e. Division I – Services

Infiltration. Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connection, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Infiltration/Inflow. Infiltration/Inflow means the total quantity of water from both infiltration and inflow without distinguishing the source.

Inflow. Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders; cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm sewers and/or combined sewers; catch basins; storm waters; surface runoff; street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

Interceptor Sewer. Interceptor Sewer shall mean a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

National Pollutant Discharge Elimination Permit. National Pollutant Discharge Elimination Permit shall mean a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500, as amended.

Natural Outlet. Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Normal Domestic Strength Sewage. Normal Domestic Strength Sewage, as defined for the purposes of the Code, shall mean wastewater or sewage having an average daily-suspended solids (SS) concentration of not more than two hundred thirty-three (233) milligrams per liter and an average daily BOD of not more than two hundred and thirty-eight (238) milligrams per liter.

Operation and Maintenance Costs. Operation and Maintenance costs shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewater, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

Person. Person shall mean any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.

Personal Property. Personal Property shall mean, for the purpose of the user charge system, all equipment owned by the Utility and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic or electrical or have movable parts.

PH. PH shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

Physical Betterment. Physical Betterment shall mean the expansion of a physical facility to increase capacity of the treatment works.

Physical Obsolescence. Physical Obsolescence shall mean the material deficiency of a functional element of a treatment plant to a point that repair, as normal or preventative maintenance is not cost benefit effective.

Pretreatment. Pretreatment shall mean the treatment of industrial sewage from privately-owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly-owned treatment works.

Private Sewer. Private Sewer shall mean a sewer, which is not owned by the Utility.

Public Sewer. Public Sewer shall mean a sewer which is owned and controlled by the Utility and is separate from and does not include sewers owned by other governmental units.

Pumping Station. Pumping Station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

Real Property. Real Property shall mean, for the purpose of the user charge, all fixed physical facilities owned by the Utility and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

Renewal Costs. Renewal Costs shall mean the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

Replacement Costs. Replacement Costs shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “Operations and Maintenance Costs”, as defined in this Section of the Ordinance, includes replacement costs.

Replacement Reserve. Replacement Reserve shall mean an account for the segregation of resources to meet capital consumption or personal or real property. Monies collected for replacement, as a component of the User Charge shall be placed in this account.

Resolution of Differences. Resolution of Differences or disputes over sewer service and sewer service charges that arise between users and the staff of the Village and cannot be resolved at that level, may be appealed to the Village Board and shall be resolved by the decision of the Village Board.

Sanitary Sewer. Sanitary Sewer shall mean a sewer which carries only waste waters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted.

Sewage. Sewage shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions including polluted cooling water and unintentionally admitted infiltration/inflow.

- a. Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from the toilet and other sanitary plumbing facilities.
- b. Industrial Sewage shall mean a combination of liquid and water-carried wastes discharged from and industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.
- c. Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

Sewer Service Charge. Sewer Service Charge shall mean the total of all charges including Debt Service Charges, Operation, Maintenance, and Replacement Charges, Sampling and Analysis Charges, replacement Reserve Account Charges, Sewage Strength Surcharges, and all other charges as reflected in the total billing.

Shredded Garbage. Shredded garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions, normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.25 centimeters) in any dimension.

Significant Industry. Significant Industry shall mean any industry that will contribute greater than fifty thousand (50,000) gallons per day.

Slug. Slug shall mean any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow, which shall adversely affect the collection system, and/or performance of the wastewater treatment works.

Standard Methods. Standard Methods shall mean the laboratory procedures set forth in the following sources: the latest edition of Standard Method for the Examination of Water and Wastewater, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association, and Water Pollution Control Federation; Methods for Chemical Analysis of Water and Wastes, prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; “Guidelines Establishing Test Procedures for the Analysis of Pollutants”; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources.

Storm Sewer. Storm Sewer shall mean a sewer that carries only storm waters, surface run-off, street wash, and drainage and to which sanitary and/or industrial; wastes are not intentionally admitted.

Suspended Solids (SS) or Total Suspended Solids (TSS). Suspended Solids (SS) or Total Suspended Solids (TSS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, waste, wastewater, or other liquids and is removable by laboratory filtration as prescribed in the “Standard Methods” enumerated in this Section of this Code.

Total Solids. Total Solids shall mean the sum of suspended and dissolved solids.

Toxic Amount. Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause severe adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of Public law 92-500, as amended.

Unpolluted Water. Unpolluted water is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Useful Life. Useful Life shall mean the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventative maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterment, direct or indirect.

User Charge System. User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement requirements on new and old wastewater collection and treatment facilities.

Volatile Organic Matter. Volatile Organic Matter shall mean the material in the sewage solids transformed to gases or vapors when heated to five hundred (500) degrees Centigrade for fifteen (15) minutes.

Wastewater Treatment Works. Wastewater Treatment Works shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent accumulated residual solids.

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

Water Works. Water Works shall mean all facilities for water supply, treatment, storage reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water.

17.03 UTILITY COMMISSION TO CONTROL.

A. The Village Board shall act as the Utility Commission and shall have all the powers and duties of such commission prescribed by Paragraph 66.068, Wis. Stats.

B. BASIS FOR SEWER SERVICES CHARGES.

1. SEWER USERS SERVED BY WATER UTILITY WATER METERS.
Upon each lot, dwelling unit, or parcel of land, building, or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge shall be levied based in part, on the quantity of water used as measured by the water utility water meter used upon the premises or direct wastewater metering at the discretion of the Village.

2. SEWER SERVICE CHARGES. A sewer charge shall be imposed upon each dwelling unit, lot, parcel of land, building or premises serviced by the sewerage system, or otherwise discharging sewage, including industrial wastes, into the sewerage system. The sewer service charge for any dwelling unit, lot, parcel of land, building or premises outside the corporate limits which is connected to the sanitary sewer system shall be based upon the quantity of water used, quantity of wastewater used, quantity of wastewater discharged, and quality of wastewater generated as measured by the water meter or sewage meter in use as follows:

3. ALL WATER USERS SHALL BE METERED.

a. General Sewer Service-Metered.

1. General sewer service is available for sewage contributors discharging domestic strength (or less) sewage into the sanitary system. The total quarterly charge shall be the sum of the debt service charge and the user charge.

2. Quarterly Debt Service Charges are based on meter size:

5/8"	Water Meter
3/4"	Water Meter
1"	Water Meter
1-1/4"	Water Meter
1-1/2"	Water Meter
2"	Water Meter
4"	Water Meter

Volume Charge: The rate for each one thousand (1,000) gallons of sewage discharged into the sanitary system for flow, normal strength sewage for BOD, and normal strength sewage for total suspended solids will be set forth by resolution of the Village Board.

3. User Charge – For normal domestic strength sewage.

The User Charge for normal domestic strength sewage will be set forth by resolution for each one thousand (1,000) gallons of sewage discharged in the sanitary sewerage system based upon metered water consumption. If a residential or small commercial customer would like to add an additional meter to receive a sanitary sewer credit for water that doesn't go into the sanitary sewer, the Sewer Utility will charge a meter fee of fifty percent (50%) of the regular sanitary sewer meter fee for that meter. This meter fee will cover the cost for the additional manual reading and the custom bill that will need to be generated due to the additional meter. Normal domestic strength sewage, as defined for the purpose of this Code, shall mean wastewater or sewage having an average daily Suspended Solids (SS) concentration of not more than two hundred and thirty-three (233) milligrams per liter and an average daily BOD of not more than two hundred and thirty-eight (238) milligrams per liter and as defined for other sewage components as listed elsewhere in this chapter.

4. Sewage system users whose waste characteristics are of such a nature that analysis for strengths are required, shall pay for the analysis series on a per sample basis plus any Village expenses incurred due to the billing and handling. The frequency of sampling shall be at the discretion of the Wastewater Utility.

b. High-Strength Waste Sewer Service Charges – Metered.

1. High-Strength Waste Sewer Service is available to commercial and industrial waste that is stronger in strength than normal domestic strength sewage that goes into the sanitary system. The total Quarterly Debt Service Charge, the User Charge for average domestic strength surcharges, fines and applicable sampling and analysis charges.
2. Quarterly Debt Service Charge: Shall be set forth by Resolution.
3. User Charges shall be the same as set forth by Resolution. High Waste Strength Surcharges. Shall be set forth by Resolution.
4. Metered Service: If a portion of the water furnished to a sewer customer is not discharged to the sewer system, the amount of such water may be deducted in computing the charge for sewer service. A separate meter may be required to be installed to measure such water. The customer must, at his own expense, make necessary changes in the water piping and provide couplings so that a meter can be set.

c. General Sewer Service – Un-Metered.

1. General Sewer Service is available to residential and small commercial sewer service customers who are not metered water service customers. The total charge shall be the sum of the quarterly Debt Service Charge and a User Charge based upon an estimate by the Village of the amount of sewage discharged to the sewerage system as set forth by resolution.

Quarterly Debt Service Charge: Shall be set forth by Resolution for this class of user.

User Charge: The User Charge shall be based upon the Village's estimate of the amount of sewage discharged to the sewerage discharged to the sewerage system charged as set forth by Resolution for each one thousand (1,000) gallons of sewage discharged.

At the discretion of the Utility, it may designate users in this category as average domestic in un-metered users with an estimated discharge of twenty-seven thousand three hundred and seventy-five (27,375) (\$86.51/quarter @ 300

gallons per day). The resulting User Charge for these designated users will be set forth by resolution.

d. High-Strength Sewer Service Charge – Un-Metered.

1. Un-Metered industries may be permitted by the Village Board subject to the terms and conditions as recommended by the Wastewater Utility.
2. Quarterly debt service charge shall be set forth by Resolution.

C. GENERAL SEWER SERVICE – UN-METERED.

At the discretion of the Utility, it may designate users in this category as average domestic un-metered users with an estimated discharge of twenty thousand five hundred (20,500) gallons per quarter. The resulting User Charge for these designated users will be set forth by resolution. (01-08)

17.04 PAYMENT OF CHARGES.

A. METHOD OF BILLING.

The sewer service charge and volume charge shall be payable to the Village.

- B. PENALTIES. A penalty of three percent (3%) shall be added to all bills not paid by the date fixed for final payment in accordance with any administrative procedures of payment determined by the Village Board.

C. DELINQUENT BILLS.

1. Any bill not paid four (4) weeks after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due notices containing their respective handling charges shall be issued, if necessary, eight (8) weeks and twelve (12) weeks after date of billing.
2. Should a bill be delinquent one hundred and twenty (120) days after the date of billing, the bill shall be referred to the Attorney for the Utility or a collection agency for collection under terms and conditions of Section 17.14 of this Code.
3. Non-receipt of any bill described in this Section of the Code shall not release the user of liability for any of these charges. In any case where the user is responsible for the non-receipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Utility is responsible for the non-receipt of the bill, the Utility

may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.

4. All uncollected service charges shall be the responsibility of the property owner.

D. LIEN FOR CHARGES. Sewerage service charges shall be a lien upon the property served pursuant to Paragraph 66.076(7), Wis. Stats., and shall be collected in the manner therein provided.

17.05 REVENUES.

A. ESTABLISHMENT OF REVENUE SYSTEM. A user charge shall be assessed to all users by the Village of Jackson Sewer Utility Commission in accordance with the provisions of the Code.

B. USER CHARGE SYSTEM.

1. Budget and Appropriation. The Village shall annually prepare an estimate of anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming fiscal year. These estimates shall be made in the form of a rate resolution for the purpose of re-establishing or amending the rates set forth in this Code, and shall be adopted by the Village of Jackson Sewer Utility Commission for enactment.

2. Operation and Maintenance Charges.

a. Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS, toxics, and nontoxic sampling/analysis.

b. Operation and maintenance costs for flow, BOD, and TSS are totaled for each. The unit charges for each are obtained for dividing the total costs by the previous year's total billable flow in one thousand (1,000) gallons, billable pounds of BOD, and billable pounds of TSS. To determine the toxics unit charge, the total cost attributable to all the toxics shall be divided by the total number of toxics assigned to be monitored by the Utility for all industries monitoring for toxics. The monitoring unit charge is obtained by dividing the total nontoxic sampling/analysis costs for all classes of industrial users by the number of industrial users in user class times the number of sampling/analyses per year for that user class.

3. Replacement Charges.

a. The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the utility as required, in order to assure the continued peak performance of

the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the Engineer in cooperation with the auditors, in accordance with experience of the utility, federal guidelines, and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.

- b. Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow and strengths. This breakdown shall be reviewed annually by the Engineer and approved by the Utility Commission.
 - c. The yearly replacement costs attributable to flow, and strengths shall be divided for example, by the previous year's total billable flow in one thousand (1,000) gallons, billable pounds of BOD, and billable pounds of TSS, respectively, and totaled to obtain unit replacement charges.
4. Toxic Charges. For each user discharging toxics, the unit charges for toxics describe dnt his Chapter shall be multiplied by the number of toxics assigned to be monitored by the Wastewater Utility.
 5. Industrial & Commercial Users. The Utility shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Engineer as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the Engineer as having special problems shall, if directed by the Village install, at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required by the Engineer to obtain exact information about the waste.
 6. Additional Charges. Additional charges as described shall, if required, be listed on the wastewater treatment bill.

17.06 DEBT SERVICE.

- A. Debt Service costs shall be recovered from the Debt Service charges as stipulated in this Chapter and from connection fees.
- B. A connection fee shall be paid for each new sewer connection to the Village. This fee shall be levied for each residential equivalent unit. A residential

equivalent unit is defined as any single-family dwelling unit, be that unit a single-family residence, an apartment unit, or a condominium unit. (For example, a four-unit apartment would have four (4) residential equivalent units.) A non-residential user shall calculate the number of residential units by dividing the expected daily flow by three hundred (300) gallons per day. The billable flows of all non-residential users shall be reviewed periodically. If it is found that the connection fee that was levied was insufficient, an additional fee shall be levied. In no case shall a non-residential user be assessed less than one residential unit.

The fee per equivalent residential unit shall be set forth by Resolution.

17.07 SEWAGE COLLECTION AND TREATMENT REGULATIONS.

A. CONDITIONS FOR DISCHARGE INTO TREATMENT SYSTEM.

1. Public wastewater collection facilities are required to be used for the deposit of human waste and some commercial wastes in accordance with federal and state statutes and state administrative regulations, local requirements, and approved by the State of Wisconsin Department of Natural Resources.
2. No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the Village of Jackson Sewer Utility, except as set forth in Chapter 17.10 of the Village Code.
3. No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged, upon public or privately owned property any wastewaters within the corporate limits of the Utility unless done so within adequately sized holding facilities approved by all applicable federal, state, and local agencies.
4. No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this Code.
5. No person shall discharge any sewage, waste, or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes, which will render the content of such wastes discharge in accordance with applicable Utility, state, federal laws, ordinances, and regulations.
6. In case of natural outlet discharges, at the time construction of the waste treatment works is commences, each owner or operator shall furnish the Utility an approved National Pollutant Discharge Elimination System (NPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The NPDES permit shall be kept on file with

the director and updated by such information as periodically required by the Utility, local, state, and/or federal agencies.

7. Any person owning property within the corporate limits of the Utility and the property is improved with one or more residences, houses, buildings, or structures for or intended for human use, occupancy, employment, or any other similar purpose whatever, and the property abuts on any street, alley, or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within ninety (90) days after such sewer is in service, at his expense, install suitable toilet and waste disposal facilities in the residences, houses, buildings, or structures, and connect the facilities with the sewer in accordance with the terms and provisions of the Code; provided, however, that in the event compliance with this Section of the Code causes economic hardship to the person, he may apply to the Utility for exemption. An application for exemption shall state in detail the circumstances, which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this Code shall be made only if the Utility determines that there is capacity, including BOD, TSS, TPH, and TNIT capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.
8. Persons described in sections 17.07(a) and (g) of this Code shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.
 - a. The Village Board may order commercial and industrial property to install a monitoring manhole on their property.
 - b. All new commercial and industrial structures shall install a monitoring manhole on their property. The manhole shall be built in accordance with the Village's Design Manual. (#00-13)

B. LIMITATIONS ON DISCHARGE.

1. No discharger shall cause to be discharged, directly or indirectly, any of the following described substances into the wastewater collection system or Wastewater Treatment Facility of the Village of Jackson:
 - a. Any liquids, solids, or gases, which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater treatment works.
 - b. Solid or viscous substances, which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment works.
 - c. Any wastewater having a PH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the wastewater treatment works.

- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in NR 215 of the Wisconsin Administrative Code.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- f. Any substance which may cause the Village of Jackson's effluent or treatment residues, sludge's, or scrums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- g. Any substance, which will cause the Village of Jackson to violate its WPDES and/or other Disposal System Permits.
- h. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- i. Any wastewater having temperature that will inhibit biological activity in the Village of Jackson wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the Publicly Owned Treatment Works that exceeds 40°C (104°F).
- j. Any Slugload.
- k. Any unpolluted water including, but not limited to non-contact cooling water.
- l. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the Village of Jackson in compliance with applicable State or Federal regulations
- m. Any wastewater that causes a hazard to human life or creates a public nuisance.
- n. Any storm water, surface water, groundwater, roof run-off or surface drainage emanating from any Clearwater source, including any sump pump. Such waters may be discharged to a storm sewer or other waterway with permission of the Village of Jackson. (#05-07)

C. PRETREATMENT.

- 1. Interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, of any inflammable wastes, and of other harmful ingredients to the Wastewater Treatment facility and NPDES permit. Such interceptors shall be of a type and capacity approved by the Engineer, and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Engineer.

2. Where installed, all grease, oil, and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.
3. In the event the Utility approves the admission of any materials into its sewers as set forth in this Section of the Code, the Utility shall direct the user causing admission of any such materials to, at his own expense, construct, install, and operate such preliminary treatment plants and facilities as may be required in order to:
 - a. Reduce the BOD to two hundred thirty eight (238) parts per million, and the suspended solids to two hundred thirty three (233) parts per million by weight. Reduce the total phosphorus to ten (10) parts per million and total nitrogen to thirty (30) parts per million. (#05-07)
 - b. Reduce objectionable characteristics or constituents to within the maximum limits provided for in this Section of this Code.
 - c. Control the quantities and rates of discharge of such waters or wastes.
 - d. "Pretreatment." When required, in the opinion of the Village of Jackson, to modify or eliminate waste that is harmful to the Wastewater Treatment Works, the discharger shall provide at its expense such preliminary treatment or processing facilities as may be required to render this suitable for discharge into the public sewers. (#05-07)
4. No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all Utility, U.S. Environmental Protection Agency, Wisconsin Department of Natural Resources, and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from U.S. Environmental Protection Agency, and any other local, state, or federal agency having regulatory authority with respect thereto.
5. All such preliminary treatment facilities as required by the Code shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.
6. No provision contained in the Code shall be construed to prevent or prohibit a separate or special contract or agreement between the Utility or any industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the Utility for treatment, subject to additional payment therefore by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Village of Jackson Sewer Utility Commission.

7. The Utility reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities, or to the receiving station.
8. Dilution is not an acceptable method of reducing waste concentration to the limits in this Code.

D. MAINTENANCE AND REPAIR TO THE COLLECTION SYSTEM.

1. The service lateral from the main to the point of use shall be maintained free of obstruction by the property owner. (#93-10)
2. Structural repairs to the service lateral from the main to the property line shall be the responsibility of the Utility. Structural repairs to the service lateral from the property line to the point of use shall be the responsibility of the property owner. Initial construction of the entire service lateral shall be the responsibility of the property owner. (#93-10)

E. MERCURY MINIMIZATION PROGRAM.

1. Dental Offices. This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, oral and maxillo-facial surgery, endodontics, or prosthodontics, then this section does not apply. Dental offices that meet the requirements of this section after the effective date of this section will be subject to a schedule under (b) through (f) below as established by the Village.
 - a All dental offices shall implement best manage practices for amalgam as established by the Wisconsin Dental Association.
 - b Within the shortest reasonable time, but not later than December 31, 2009, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental Offices shall install, operate and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
 - c On or before June 30, 2009 each dental office shall submit a schedule for the installation of the amalgam separator required by (b) above.
 - d On or before October 31, 2009 each dental office shall submit a report to the Jackson Sewer Utility that certifies the implementation of the management practices required by (a) above

and identifies the contractors used to remove amalgam waste within the last twelve (12) months.

- e On or before October 31, 2009 each dental office shall submit a report providing the following information:
 - 1. If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.
 - 2. If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.
- f If a dental office has provided a report according to subsection (e)(2) above, then the dental office shall notify the Jackson Sewer Utility of the completion of the installation within five (5) days after completion.
- g The Jackson Sewer Utility shall provide forms for reporting the information required by (c), (d), (e), and (f) above.
- h From the contractor(s) used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five (5) years. Dental offices shall make these records available to Jackson Sewer Utility personnel for inspection and copying upon request.
- i Annually on or before January 31, 2010 each dental office shall submit a report to the Jackson Sewer Utility that lists the volume or mass of amalgam waste shipped, the name and address of the destination, and the name and address of the contractor(s) used to remove amalgam waste within the previous calendar year. The report shall also set forth all maintenance performed on the amalgam separator within the previous calendar year, including inspections, cleaning, repairs and other maintenance. The Jackson Sewer Utility shall provide forms for reporting the information required by this paragraph (i).
- j Dental offices shall permit Jackson Sewer Utility personnel to inspect the vacuum system, amalgam separator, and amalgam waste storage areas if requested. Inspections shall occur during normal operating schedule of the dental office according to appointments made in advance, as long as this advance notice does not impede enforcement of this section.

k If a dental office is implementing the management practices required by (a) above and is operating and maintaining the amalgam separator required by (b) above, then with regard to mercury it will not be subject to the regulatory procedures and requirements as set forth elsewhere in this Chapter.

2. Other Facilities. This section applies to all other facilities having the potential to discharge mercury or mercury-containing material to the Village of Jackson sanitary sewer system.

a. Facilities include:

1. Medical facilities, including all hospitals, clinic, and veterinary facilities that have laboratories.
2. School facilities, including all public and private schools with science laboratories, including middle schools, high schools, technical schools, colleges, and universities, but not elementary schools.
3. Industrial facilities, including all industrial plants that historically or consistently discharge mercury into the wastewater treatment plant and industrial plants with the potential for mercury in their wastewater.

b. The Jackson Sewer Utility shall identify and notify the facilities to be regulated under this subsection (2) within thirty (30) days after the effective date of this section. All facilities identified after the effective date of this section shall be notified individually by the Jackson Sewer utility that they are subject to regulation under this subsection (2).

c. All facilities regulated under this subsection (2) shall implement best management practices as established by the Wisconsin Department of Natural Resources (DNR) and the Jackson Sewer Utility. On or before July 31, 2009 each facility regulated under this section shall submit a report to the Jackson Sewer Utility that identifies the management practices already implemented, and lists the anticipated dates for implementing the other management practices listed on the report. New facilities identified under (b) above shall submit this report within three (3) months of notification.

d. By December 31, 2009 all facilities regulated under this subsection (2) shall submit a report to the Jackson Sewer utility that certifies the implementation of the management practices described in (c) above. New facilities identified under (b) above shall implement best management practices and submit a certification report within six (6) months of submittal of the report required under (c) above.

- e. The Jackson Sewer Utility shall provide forms for reporting the information required by (c) and (d) above.
- f. If the facility regulated under this section is implementing the management practices required by (c) and (d) above, then with regard to mercury it will not be subject to the regulatory procedures and requirements as set forth elsewhere in this Chapter. (#09-02)

17.08 WASTEWATER TREATMENT BILL.

- A. BILL PERIOD. A bill shall be produced and submitted to each user once every quarter on a billing cycle established by the Utility.
- B. PAYMENT OF BILL AND LATE PAYMENT PENALTY. A three percent (3%) penalty on the portion of the wastewater treatment bill shall be added for receipt of payment after twenty (20) days of the date of billing.
- C. DELINQUENT BILLS.
 - 1. Any bill not paid four (4) weeks after the date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due notices containing their respective handling charges shall be issued, if necessary, eight (8) weeks and twelve (12) weeks after date of billing.
 - 2. Should a bill still be delinquent one hundred and twenty (120) days after the date of billing, the bill shall be referred to the Attorney for the Utility or a collection agency for collection under terms and conditions of this Code.
 - 3. Non-receipt of any bill described in this Section of the Code shall not release the user of liability for any of those charges. In any case where the user is responsible for the non-receipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the Utility is responsible for the non-receipt of the bill, the Utility may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.
 - 4. All uncollected service charges shall be the responsibility of the property owner.

17.09 PRIVATE SEWAGE TREATMENT AND DISPOSAL.

- A. When a public sewer is not available, as set forth in Section 17.08 of the Code, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable city, county, state, and federal laws and regulations.
- B. Within ninety (90) days after a property served by a private sewer or disposal system as described in this Section shall become subject to the terms and provisions of Section 17.07(A) of the Code, a direct connection shall be made to the public sewer according to the terms and provisions of this Code, and all private sewers, disposal systems, septic tanks, cesspools, and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned in accordance with all state, county, and local laws, and all openings, tanks, or other containers or human wastes, garbage, and other wastes shall be permanently filled with granular material.
- C. The Utility shall not be responsible in any way for the operation, maintenance or liability of a private sewer or disposal system or facility, except by prior agreement.
- D. No provisions of the Code shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

17.10 SERVICE TO OUTLYING TERRITORY.

- A. The Utility shall have the right, upon payments, terms, and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partially outside the Village's corporate limits.
- B. In the event a contract is made pursuant to Section 17.11(a) of this Code, a user of any sewer serving property wholly or partially outside the Utility's corporate limits shall be subject to all of the terms and provisions of this Code, and in addition to all payments and charges be required to pay all equivalent costs, taxes, charges, and expenses as would be imposed upon and paid by a user situated within the corporate limits of the Village.
- C. If any property of a person desirous of becoming a user is situated outside the corporate limits of the Utility and not contiguous thereto so that it may not properly be annexed to and become part of the Village corporate limits, the Utility, may permit such a connection, provided that a contract providing essentially the following be entered into between the Village and the user:
 - 1. The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinance, and regulations of the Utility and local, state, and federal governments.

2. The wastes and material discharged shall meet all present and future standings for content and volume, and the user shall further agree to pay all future connections, user, and treatment service charges, which are applicable to all property and users uniformly.
3. The Utility shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same as its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said system to another unit of government.
4. In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed or attached to the Village of Jackson by proper ordinance or resolution, then the agreement executed pursuant to Section 17.11(c) of this Code, as to such property or the subdivided or separate tract thereof which is so annexed or attached, shall then terminate and be of no further force and effect.
5. Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and said owner shall have no further liability to the utility there under in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the Office of the Register of Deeds of Washington County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its term and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.
6. If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the Utilities transport facility.
7. The applicant for treatment service under an agreement pursuant to Section 17.11(c) of this Code shall agree to assume user charges, industrial waste charges and capital surcharge, if applicable, and to obtain from the Utility the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

17.11 DISCHARGE PERMITS.

- A. The Jackson Wastewater Utility reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the Utility does exercise the option, commercial or industrial users shall not discharge to a sewer without

having first applied for and obtained a permit from Utility. Upon official notification from the Utility, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

1. Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the Jackson Sewer Utility as the basis for the issuance of discharge permit for building connections to a sewer.
2. The application for a discharge permit shall be made on a form provided for that purpose by the Utility and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent, or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information as may be required by the Utility. The Engineer shall also have, at its discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.
3. No fee shall be charged for a discharge application or permit.
4. No discharge permit shall be issued by the Utility to any person whose discharge of material to sewers whether shown upon the application or determined after inspection and testing conducted by the Utility Engineer, is not in conformance with federal, state or Utility Statutes, ordinances, rules and regulations, unless a waiver or variance of such standards and requirements is granted by the Utility in the manner hereinafter set forth. The Engineer shall state in writing the reason or reasons for denial or requirement for waiver-variance and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.
5. In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the Utility in the same manner and form as originally made.
6. If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Engineer, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Section of the Code, and a waiver of variance is required, the user may have the Utility review the denial or may request a waiver, provided the user shall give written notice of its request within thirty (30) after receiving the denial. The Utility shall review the permit application, the written denial, and such other evidence and matters as the applicant and engineer shall present at its next regular meeting following receipt of request for its review, and the decision of the Utility rendered publicly at said meeting shall be final.

7. In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Utility, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Code.
8. A grant of waiver or variance by the Utility may set forth such conditions, exceptions, time limitations, durations, and expirations as the Utility deems necessary and proper.

B. REPORTING CRITERIA FOR NON-RESIDENTIAL USERS.

1. The Village of Jackson Sewer Utility reserves the right to require any non-residential user to submit quarterly to the Utility, on forms provided by the Utility, a certified statement of the characteristics of its industrial wastes discharge in the sewers and treatment works of the Utility or to any sewers connected to its treatment works. This statement shall be filed with the Utility no later than the tenth (10th) day of the month following the quarter for which the report is required.
2. The waste characteristics to be measured and certified by the user shall be:
 1. BOD in milligrams per liter.
 2. Suspended solids in milligrams per liter.
 3. Total phosphorus in milligrams per liter.
 4. Total nitrogen in milligrams per liter.
 5. Such other constituents of wastewater as directed by Engineer.
3. Should there be a difference in understanding between the Utility and user as to the characteristics in Section 17.12 of this Code, the Utility reserves the right to use the Utility's results from analyses for purposes of billing. Should submission not be made during the ten (10) day period, the Utility shall use its results from analyses for purposes of billing.
4. Whenever required by the Utility, the owner of any property serviced by a building sewer carrying non-residential wastewater and material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the Engineer and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely, easily, and independently (of other premises and buildings of user) accessible to authorized representatives of the Utility at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate

arrangements for sampling may be arranged at the discretion of the Engineer.

5. Each sampling chamber shall contain a Parshall flume, weir, or similar device with a recording and totalizing register for measuring liquid quantity; or other metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the Engineer that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the Engineer is made in the metered water supply to determine the liquid waste quantity.
6. Samples shall be taken every hour or half hour, as determined by the Engineer, and properly refrigerated and composited in proportions to the flow for a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the Engineer to insure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each twelve (12) month period. The determination of representative quantities and characteristics shall include not less than seven (7) consecutive calendar days of twenty-four (24) hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.
7. The sampling frequency, sampling chamber, metering device, sampling methods, and analysis of samples shall be subject, at any time, to inspection and verification by the Engineer.
8. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the standard methods specified in this Section of this Code or with any other method approved by the Village.
9. The Village may elect, at its option, to have the metering and sample collection done by sewer utility personnel or authorized agents and have composite samples delivered to the Utility laboratory or a private registered laboratory for analysis. This procedure can also be terminated at any time by the Village upon reasonable notice.

17.12 LIQUID WASTE HAULERS.

No person shall discharge or cause to be discharged any hauled liquid waste to any sewer connected to the Jackson Wastewater Treatment Plant except as provided below:

- A. The Utility may accept hauled liquid waste at its discretion. Under no circumstances shall hauled waste be accepted without prior authorization by the Utility.

- B. Any waste hauled to the plant shall be assessed User Charges for billable flow, billable suspended solids, and billable BOD, the volume of which will be determined by the Utility.
- C. The Utility reserves the right to reject any hauled liquid waste.
- D. Hauled waste shall not be accepted unless accompanied by a manifest stating the nature and origin of the waste. The manifest shall be signed by the producer and the hauler of the waste.
- E. SEPTIC TANK AND HOLDING TANK DISPOSAL. NO PERSON in the business of gathering and disposing of holding tank sewage shall transfer such materials into any portion of the treatment works unless a permit for disposal has been first obtained from the Director of Public Works (DPW). Written application for this permit shall be made to the DPW and shall state the name and address of the applicant; the number of disposal units; and the make, model, and license of each unit. Permits shall be nontransferable except in the case of replacement of the calendar year for each licensed unit and a satisfactory credit report on the applicant. The time and place of disposal will be designated by the Commission. The Commission may impose such conditions, as it deems necessary on any permit granted.

Charges for disposal shall be established in accordance with the Jackson Sanitary District User Charge System. Bills shall be mailed on a monthly basis and if payments are not received in thirty (30) days thereof, disposal privileges shall be suspended.

Any person or party disposing of holding tank wastes agrees to carry public liability insurance (general and automobile) in an amount not less than three hundred thousand dollars (\$300,000.00) and workmen's compensation insurance meeting statutory limitations in order to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or failure to act, by any of its employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

The Approving Authority reserves the right to review all permit applications on a case-by-case basis.

All materials discharged to the treatment works under the permit shall be of domestic origin only. At no time will Jackson Sanitary District accept holding tank or septic wastes from commercial or industrial facilities without the specific authorization of the DPW and the Approving Authority. The discharger shall also certify that he will comply with the provisions of any and all applicable provisions of the Jackson Sanitary District and will not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand, or other solid material to pass into any part of the treatment works.

The person(s) or party disposing waste agrees to indemnify the District and save harmless from any and all liability and claims for damages arising out of or resulting from work and labor performed.

All waste haulers must fill out a report form providing the date, time, name and address of the producer. The volume, waste characteristics and the name and billing address of the hauler.

Jackson Sanitary District reserves the right to sample any or all hauling loads discharged to the treatment facility. The hauler shall pay and all sampling costs for waste loads not meeting the criteria supplied by the hauler or not meeting the conditions set forth in the Code.

All discharges shall be at the location specified by the Approving Authority. Violation of any of these provisions shall render the discharger subject to immediate revocation of his disposal privileges and may make him liable to the penalty provisions of this Code. The Jackson Sanitary District also retains the right to suspend or revoke any disposal privileges immediately upon notice if, in the opinion of the Approving Authority, the acceptance of such wastewater would cause the treatment works to violate the provisions of its WPDES permit due to the volume or character of the wastes. In such cases, the Approving Authority shall give priority to wastewater generated within the Jackson Sanitary District and within the Village of Jackson.

- F. DAMAGE OF TAMPERING WITH SEWAGE FACILITIES. WILLFUL, NEGLIGENCE OR MALICIOUS DAMAGE. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage facilities. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

LIABILITY TO DISCHARGER FOR LOSSES. Any person who intentionally, negligently or accidentally violates any provisions of this Code shall become liable to the Jackson Sanitary District or any downstream user may suffer as a result thereof. This Section shall be applicable whether or not a written notice of the violation was given and without consideration for any penalties which may be imposed for a violation of this Code.

17.13 ENFORCEMENT.

- A. INSPECTION RIGHTS. Any duly authorized employee or agent of the Utility bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the Utility or outside a Utility that has contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling, and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this Code.

- B. LIABILITY DURING INSPECTIONS. While performing the necessary work on private properties referred to this Section of this Code, the duly authorized employees of the Utility shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the Utility's employees, and the Utility shall indemnify the user against loss or damage to its property by Utility employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

17.14 PENALTIES.

A. VIOLATIONS OF REGULATORY PROVISIONS.

1. Any person who shall violate any provision of this Code shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount as set forth by Resolution or as provided in Chapter 21.04 of this Municipal Code. (#94-04)
2. A person who is subject to forfeiture for violating any provision of this Code may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed six (6) months for any one (1) violation. For each day of confinement, the committed person shall be allowed, exclusive of this board, a credit of five dollars (\$5.00) toward the forfeiture and costs.
3. Any person who shall violate any provision of this Code shall also be:
 - a. Liable to the Utility for all costs, expenses, loss, or damage, if any, incurred by the Utility as the result of such violation.
 - b. Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation incurred.
 - c. Subject to a lien upon said property in the amount of any costs described in this Chapter of this Code.

B. NONPAYMENT OF BILLS.

1. LIEN. Whenever wastewater treatment bills or capital surcharge bills become delinquent as set forth in the Revenues Section of this Code, the same shall become and constitute a lien upon the real estate to which sewer service is applied pursuant to Wisconsin State Statutes. Statements rendered for such charge shall be deemed notice to all parties, whether or

not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:

- a. A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;
- b. The amount or amounts of money due for such sewerage service;
- c. The date or dates when such amount or amounts became delinquent.

If all amounts shown due remain unpaid after recording as provided by state statutes, the Utility may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

2. CIVIL ACTION. In the alternative of levying a lien, the Utility may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the Utility in filing the civil action. Such attorney's fees shall be fixed by order of the court.
3. INTEREST. In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of seven percent (7%) per annum.
4. FILING FEES. In all cases where the sewer user charge payment has become delinquent and Utility elects to file a statement thereof in the office of the Register of Deeds, as herein above set forth, there shall be added to the amount due the Utility such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the Utility as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the Director or a duly appointed employee of the Utility shall be authorized and directed to include such additional costs in the amount claimed due the Utility in the notice of the lien.
5. REVOCATION OF PERMITS & DISCONNECTING OF SERVICE. The Utility reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment, industrial cost recovery, or capital surcharge bills become delinquent.
6. DEPOSIT OF FUTURE PAYMENTS. All amounts charged under this Chapter of this Code continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the Utility is paid in full for all amounts due it, and in addition, there shall be paid to the Utility a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by Utility in escrow,

and will be returned upon satisfactory payment of all bills for a period of two (2) years.