

SEWER USE ORDINANCE

SECTION 7. SPECIAL AGREEMENTS. No statement contained in this Ordinance shall be construed as prohibiting any special agreement between the Village and any person or persons, whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is not impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the Village without recompense by said person or persons to the Village of New Auburn.

SECTION 8. INDUSTRIAL WASTES. An industrial Wastewater Discharge Permit is required under Section 3 of this Ordinance. For any discharge by an industrial user, as defined in Section 2, Item K or L of this Ordinance, this permit must be obtained 180 days prior to the beginning of discharge. In support of this application, the user shall comply with the following:

A. Application Information.

1. Name, address, and standard industrial classification number of applicant.
2. Average hydraulic volume of wastewater to be discharged.
3. Wastewater constituents and characteristics as determined by examination according to the latest edition of “Standard Methods for the Examination of Water, Sewage, and Industrial Wastes.”
4. Time and duration of discharge.
5. Average and peak wastewater flow rates, including daily, monthly and seasonal variations; if any.
6. Site plan, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
7. Description of activities, facilities, and plant processes on the premises including all materials and types of materials, which are, or could be, discharged.
8. Each product produced by type, amount, and rate of production.
9. Number and type of employees including work hours of week.
10. Any other information as may be deemed appropriate by the Approving Authority to be necessary to evaluate the permit application.

B. Review. The Approving Authority will use a Professional Consulting Engineer to evaluate the data furnished by the prospective user and may require additional information be supplied by applicant. After evaluation and acceptance of the data furnished, the Approving Authority may issue a Wastewater Discharge Permit; subject to appropriate terms and conditions.

C. Duration of Permit. Industrial discharge permits shall be issued for a specified time period, not to exceed two years. A permit may be issued for a period of less than one year, or may be stated to expire on a specific date. If the user is not notified by the Village 15 days prior to the expiration of the permit, the permit shall automatically be extended for 12 months. The terms and conditions of the permit may be subject to modification and change by the Village during the life of the permit. The user shall be informed of any proposed changes in

his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

D. Permit Conditions: Industrial wastewater discharge permits shall be subject to all provisions of this Ordinance. Additional permit conditions are:

- 1) The average and maximum wastewater flow and constituent limits the user will be allowed to discharge to the Village sewerage system.
- 2) Limits on the rate of discharge and time of discharges necessary to reduce slug flows.
- 3) Requirement to construct and maintain a flow regulation or equalization facility.
- 4) Requirement to construct, operate and maintain a monitoring station.
- 5) The monitoring requirements for the industrial discharge will include type of sample, sampling frequency and the laboratory analyses required. All analyses shall be performed in accordance with "Standard Methods" and shall be at the user's expense.
- 6) Require the user to install pretreatment facilities.
- 7) Require the user to maintain stipulated wastewater records and to allow the Village access to these records.
- 8) Other conditions deemed necessary by the Village to insure compliance with the Ordinance.

E. Transfer Of Permit. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

F. Wastewater Monitoring. The user discharging industrial waste shall be responsible for the required flow monitoring, sample collection and laboratory analyses stated in their permit. If the user is not qualified to perform these duties, the user shall engage a qualified private firm. As an alternative, the user may engage the Village to perform these duties provided the associated costs are born by the user.

SECTION 9. INDUSTRIAL COST RECOVERY. As the Village currently has no user that would qualify for industrial cost recovery, this section is therefore not applicable.

SECTION 10. SEWER SERVICE CHARGE.

A. Authority. The Village Board of the Village of New Auburn shall have the authority to establish and collect a sewer service charge for the use of the public Wastewater Treatment Facility maintained and operated by the Village of New Auburn.

B. Classes of Users. The following user classes are established:

1. Residential
2. Commercial
3. Institutional
4. Industrial

All users will pay at the residential rate plus the appropriate surcharges.

- C. Method of Computing. The service charge shall be based on water or wastewater meter readings, when available. When such meter readings are unavailable, the service charges will be a flat charge based on the estimate. This estimate shall be 12,000 gallons per quarter. Where the flat charge must be used, it will be paid for the full quarter and shall not be prorated. If service should be interrupted for any full quarter, only the minimum will be charged. The flat charge will be adopted by resolution.
- D. Debt Service Charge. All charges incurred for debts for capital improvements for the Wastewater Treatment Works shall be paid for by a debt service charge, which is a part of the total sewer service charge, or by such sums as the Village Board may annually elect to take from the general fund. The amount of this charge will be reviewed at least annually and adopted by resolution.
- E. Minimum Charge. The minimum charge per user shall be the charge to cover the cost of billing, collection & administration of accounts and debt retirement (if applicable) per connection. This charge will be made regardless of use and shall be adopted by resolution.
- F. User Charge. The user charge for all users discharging domestic wastewater shall be based on a minimum quarterly charge per user and on the volume used by each user. Those discharging wastewater in excess of domestic strength shall pay the surcharges outlined in the User Charge Development section (page 41). The amount of this charge will be reviewed annually and adopted by resolution.
- G. Replacement Cost Account: This account is set aside as a fund for replacement of equipment, emergency loan installments, emergency maintenance, extensions to the facility and replacement of short-lived assets.
- H. Total Sewer Service Charge shall be the sum of: debt retirement; operation and maintenance costs; replacement costs; planning account; billing collection; administration; and any surcharges or industrial cost recovery charges when applicable. For those unmetered services, the total service charge shall consist of the minimum charge plus the flat charge.
- I. Billing Periods. The total sewer service charge shall be billed quarterly. The due date shall be as set forth on the quarterly bill.
- J. Due Date. The due date shall be as set forth on the quarterly bill.
- K. Late Penalties. Charges levied in accordance with this Section shall be a debt due to the Village and shall be a lien upon the property. If this debt is not paid within twenty (20) days after it is due and payable, it shall be deemed delinquent, and a late payment charge is added. The late payment charge is equal to 3 percent (3%) or a minimum of \$.50. This debt may then be recovered by civil action in the name of the Village of New Auburn against the property owner, the person or both. If delinquent payments are not received by November 1st of the calendar year, a ten percent (10%) charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November 15th, the delinquent bill will be

forwarded to the applicable County (Chippewa or Barron) for placement on the succeeding tax roll.

L. Failure to Pay, Removal or Closure of Connection, Restoration of Service:

1. In the event of failure to pay sewer service charges after they become delinquent, the Village shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.
2. The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the Village and a tax lien upon the property, and may be recovered by a civil action in the name of the Village of New Auburn against the property owner, the person, or both.
3. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid.
4. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

M. Summer Months Sewerage Service Charges Based on Winter Usage. (Winter months are January, February, and March billed in April. Summer months are July, August, and September billed in October.) To accommodate residential utility customers who use additional water during the summer months that may not enter the sanitary sewer system, residential users with a 5/8" water or wastewater meter will be charged for sewer volume service for the summer months the lesser of the winter months or summer month's actual usage.

SECTION 11. VIOLATIONS AND PENALTIES

- A. Written Notice Required. Any person found to be violating any provision of this Ordinance, shall be served by the Village with a written notice stating the nature of the violation, and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Civil Penalties. Whoever fails to comply with any provisions of this Ordinance or with an Order of the Village issued in pursuance of this Ordinance, shall be fined not less than \$100.00 nor more than \$1,000.00 for each offense. Each day's continuance of such failure is a separate offense. The penalties so imposed, plus reasonable attorneys' fees, court costs and other expenses of litigation, are recoverable by the Village upon its suit as debts are recoverable by law.
- C. Recovery of Costs Incurred by the Village. Any User violating any of the provisions of this Ordinance, or who discharges or causes a discharge producing a deposit or obstruction; or causes damage to or impairs the Village sanitary sewer system shall be liable to the Village for any expense, loss, or damage caused by such violation or discharge. The Village shall bill the cleaning, repair, or replacement work resulting from the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance, and shall be enforceable under the provisions of this Ordinance.

- D. Falsifying Information. Any person who knowingly makes any false statement, representation or certification in any application, record, or report, plan or other document filed or required to be maintained pursuant to this Ordinance, or a Wastewater Discharge Permit; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction be punished by the imposition of the civil penalty stated above or by imprisonment for not more than thirty days or by both.

- E. Liability for Expense, Loss or Damage. Any person violating any provisions of this title shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation, which the Village may suffer as a result thereof.

- F. Right to Reject Connections. The Village reserves the right to reject connections to the system if downstream facilities do not have adequate capacity.

- G. Right to Enter Premises. The Village reserves the right to enter premises of any user to sample and/or inspect.