

SEWER USE ORDINANCE

SECTION 12. MANAGEMENT, OPERATION, AND CONTROL OF FACILITIES.

The management, operation, and control of the Wastewater Treatment Facility and Sanitary Collection System for the Village is the responsibility of the New Auburn Village Board and all records, minutes, and written proceedings thereof shall be kept by the Village Clerk. The Village Clerk shall, also, keep all financial records of said facilities.

- A. The Sewer Utility of the Village of New Auburn shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through alleys, streets, easements, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Village shall have the power by themselves, their officers, agents, and representatives, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Village shall have power to purchase and acquire for the sewer utility all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling or additions thereto.
- B. Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Sewer Utility be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.
- C. Title to Real Estate and Personal Property. All property, real, personal and mixed, acquired for the construction of sewer system, and all buildings, equipment, piping, tanks, machinery, and fixtures pertaining thereto, shall be property of said Village.

SECTION 13. USER RULES AND REGULATIONS.

The rules, regulations, and sewer rates of New Auburn's Sewer Utility herein set forth shall be considered a part of the contract with every person, company or corporation who is connected to the sewer system of the Village of New Auburn and every such person, company, or corporation by connecting to the sewer system shall be considered as expressing his or their consent to be bound thereby. Whenever any said rules and regulations, as adopted are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection), and shall not be re-established except by order of the Village of New Auburn, and on payment of all debts, plus the expenses and established charges of shutting off and putting on, and such terms as the Village may determine, and a satisfactory understanding with the parties that no further cause for complaint shall arise. In case of such violation, the Village, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited. The right is reserved

by the Village to change the said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all property cases.

SECTION 14. PLUMBING REQUIREMENTS:

The following rules and regulations for the governing of licensed plumbers, sewer users, and others are hereby adopted and established:

- A. Plumbing: No plumber, pipe fitter, or other persons will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a proper license from the State of Wisconsin.
- B. Application for Service: Every person connecting with the sewer system shall file an application in writing to the Village of New Auburn on such forms as are prescribed for that purpose. Blanks for such applications will be furnished at the Office of the Village Clerk. The application must state fully and truly all the use, which is requested. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. People connected to the Sewer System of the Village of New Auburn are referred to herein as “users”. The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application.
- C. Tap Permits: After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village.
- D. User Use Only: No user shall allow others or other services to connect to the Sewer System through their lateral.
- E. User to Permit Inspection: Every user shall permit the Village, or their duly Authorized Agent at any reasonable hour of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- F. Utility Responsibility: It is expressly stipulated that no claim shall be made against said Village or its representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose; any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Sewer Utility, the Village shall, if practicable, give notice to each and every consumer within such effected district of the time when such service will be so shut off.

SECTION 15. EXCAVATIONS.

- A. The Contractor executing the excavation must properly notify all affected utilities prior to commencing any work; i.e. notify Diggers Hotline.
- B. In making excavations in streets, alleys, highways, or easements for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- C. No person shall leave such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- D. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine (9") inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to the Village. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

SECTION 16. TAPPING MAINS.

No person, except those having special permission from the Village or persons in their service and approved by them, will be permitted, under any circumstances to tap the sanitary mains or collection pipes. The kind and size of the connection with the pipe network shall be that specified in the permit or order from the Village.

- A. Laterals: All private service laterals and pumping facilities shall be installed per specifications supplied by Village and in conformance with applicable specifications.
- B. Hook-up Fee: The connection fee shall be paid in advance of physical installation of lateral.
- C. Inspection: All private service laterals and pumping facilities will be inspected by a Village representative upon completion of pipe installation and prior to backfilling and testing.

SECTION 17. SEPTIC TANK SLUDGE AND HOLDING TANK DISPOSAL.

No person or persons shall dispose of septic tank sludge or holding tank sewage by injecting, in any manner, this waste into the Sewer Collection System or Wastewater Treatment Facility unless said person or persons have first obtained written approval from the Village of New Auburn.

- A. Licensed Disposer means a person holding a license under s. 146.20(3)(a). Reference per Wisconsin Administrative Code, NR 113.05.
- B. Required to Treat Septage. The New Auburn Municipal Wastewater Treatment Facility may accept and treat septage from a licensed disposer during the period of time commencing on November 15 and ending April 15, but will not accept and treat septage at other times during the year.
- C. Exceptions. Notwithstanding Sub. B, the New Auburn Municipal Wastewater Treatment Facility will not accept septage from a Licensed Disposer if:
1. Treatment of the septage would cause the Wastewater Treatment Facility to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders.
 2. The septage is not compatible with the Municipal Wastewater Treatment Facility.
 3. The Licensed Disposer has not applied for and received approval from the Village of New Auburn to dispose of septage in the municipal Wastewater Treatment Facility or the Licensed Disposer fails to comply with the disposal plan.
- D. Priorities. The priority system for acceptance of septage at New Auburn's Wastewater Treatment Facility shall be strictly followed. If the municipal Wastewater Treatment Facility can accept part, but not all, of the septage offered for disposal, the following priority list shall control.
1. First Priority. Septage from existing or new holding and septic tanks within the Village's Sewer Service Area.
 2. Second Priority. Septage from the existing or new holding and septic tanks outside of the Sewer Service Area, but within the Village Limits.
 3. Third Priority. Septage from existing or new holding and septic tanks outside of the Village limits, but within the Planning Area.
 4. Fourth Priority. Septage from existing or new holding and septic tanks outside of Planning Area, but located within twenty (20) miles (shortest direct route by road to New Auburn's Wastewater Treatment Facility).
- E. Application for Septage Disposal. Between August 1 and September 1 of each year, every Licensed Disposer wishing to discharge septage to the New Auburn Wastewater Treatment Facility, shall file a non-refundable filing fee and an Application in writing to the Village Clerk on such a form as is prescribed for said purpose. During the months of July and August, forms for such Applications will be furnished by the office of the Village Clerk.

The Application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the New Auburn Wastewater Treatment Facility.

During the month of September, the Village Clerk will evaluate the Application and make a determination as to the amount and conditions of septage disposal at the New Auburn Wastewater Treatment Facility.

The Village shall approve or reject all Applications by October 1, of each year and so notify each applicant.

If the municipal Wastewater Treatment Facility cannot accept all the proposed septage disposal, then the priority list described in sub. D shall be used.

All approvals for septage disposal shall have conditions that any time the municipal Wastewater Treatment Facility has operational problems, maintenance problems, or threat of WPDES Permit violations that are indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been executed.

- F. Septage Disposal Location. Septage shall only be discharged to New Auburn's Wastewater Treatment Facility by Village-Approved and State of Wisconsin Licensed Disposers and only at locations, times and conditions as specified by the Village of New Auburn. Septage discharges to Village specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sanitary sewer collection main and prevent a slug load to the municipal Wastewater Treatment Facility. Discharges will be limited to normal working hours and require prior written approval from the Village and documentation of the discharge must be submitted to the designated Village Official following discharge.
- G. Documentation of Discharge. Forms for documentation of discharge will be furnished by the Village Clerk and will include the following:
- 1) Name, address and telephone number of hauling company
 - 2) License number of disposer
 - 3) Name of driver
 - 4) Type of septage
 - 5) Quantity of septage
 - 6) Estimated quality of septage
 - 7) Location, date, time and feed rate of discharge into municipal sewerage system
 - 8) Source of septage
 - 9) Name and location of septage generator
 - 10) Other information

- H. Control of Septage. If any septage is discharged or proposed to be discharged into the municipal Sewage Collection System, which contain substances or possess any characteristics enumerated in Section 4, (Prohibited Discharges), and which, in the judgment of the Village, may have deleterious effects upon the Wastewater Treatment Facility, processes, equipment, or receiving waters or which otherwise create any hazard to life, health, or constitute a public nuisance, the Village may:
- 1) Reject the septage
 - 2) Require pretreatment to an acceptable condition for discharge into the municipal sewers
 - 3) Require control over quantities and rates of discharge
 - 4) Require payment to cover the added cost of handling and treating septage not covered by existing sewer users fees as detailed in Section 20

- I. Testing & Analysis of Septage. All measurements, tests, and analyses of the characteristics of septage shall be determined in accordance with “**Standard Methods for the Examination of Water and Wastewater**”, published by the American Public Health Association and “**Guidelines Establishing Test Procedures for Analysis of Pollutants**”, (1987, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village.

If the Village requires testing and analysis of the septage, the laboratory and testing facilities shall be approved by the Village and all fees and testing expenses shall be paid by the Licensed Disposer.

- J. Disposal Fee. Refer to Section 20 for the disposal fee rates for septage.

- K. Violations. Any Licensed Disposer discharging septage to the municipal Wastewater Treatment Facility or Village Sewerage Collection System, found to be violating a provision of the Ordinance or of any condition(s) of the Village issued approval for Septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the Septage Disposal Approval.

SECTION 18. AUDIT.

The Village of New Auburn shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs. The Village shall conduct an annual audit of the separate Industrial Cost Recovery Account, if and when it is applicable, to ensure that proportionate and adequate payments are being made by industries to the Village.

SECTION 19. VALIDITY.

- A. Repeal of Conflicting Ordinances. All Ordinances, Resolutions, Orders or parts thereof heretofore adopted, enacted or entered which are in conflict with this Ordinance are hereby repealed.
- B. Savings Clause. If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.
- C. Amendments. The Village of New Auburn, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever said body may deem it necessary.

SECTION 20. USER CHARGE SYSTEM.

It shall be the policy of the Village of New Auburn to obtain sufficient revenues through a User Charge to pay the cost of the annual debt retirement, operation & maintenance expenses, replacement account and related costs incurred to successfully manage the municipal Sanitary Sewer Utility. The User Charge System (UCS) shall assure that each user of the Sanitary Sewer Facilities pay a proportionate share of all costs necessary to operate the utility. These charges are to be reviewed annually and all excess revenues shall be applied to the fund for replacement costs.

The initial User Charge System shall be as set forth on the attached Resolution, which may be changed from time to time by the Village Board, with the then current Resolution to be included in the Appendix L.

The current WPDES Permit is also attached hereto. Future permits shall be set forth in this Appendix L for reference by the Village Board and the public.