

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE THE SANITARY SEWER USE STANDARDS FOR TOWN OF DUNN SANITARY DISTRICT NO. 3

Introduction: On October 26, 1973, the Board of Commissioners of Sanitary District No. 3 of the Town of Dunn, Dane County, Wisconsin, (“Sanitary District No. 3”) adopted its first ordinance regulating the use of public and private sanitary sewers. While this ordinance was amended in 1977, 1991 and 1999, it is no longer compliant with the Sewer Use Ordinance of Madison Metropolitan Sewerage District, as last amended January 22, 2021, and much of the language of the ordinance is obsolete due to changes in nomenclature and increased levels of environmental protection.

The Board of Commissioners of Sanitary District No. 3, Town of Dunn, Dane County Wisconsin do ordain as follows:

1. The October 26, 1973 Ordinance “Regulating the Use of Private Sewers and Drains, Private Sewage Disposal, the Installation of and Connection of Building Sewers, and the Discharge of Waters and Wastes into the Public Sewer System, and Providing Penalties of Violations thereof; as well as all ordinances relating thereto, including the October 26, 1977 amendments thereof, the 1991 amendments thereof, and the March 16, 1999 amendments thereof, are hereby repealed and recreated to read as follows:

**“THE SEWER USE AND USER CHARGE ORDINANCE OF TOWN OF DUNN
SANITARY DISTRICT NO. 3**

(a) Definitions. The following words, terms or phrases when used in this Ordinance shall have the meaning ascribed to them in this Section, except where the context clearly indicate a different meaning:

- (1) *Actual customer.* The number of water meters serving a user. If a user’s water consumption is not metered, the Commissioner shall estimate the number and size of the water meters that would otherwise be required to measure such consumption. The Commissioners’ estimate shall be in accordance with generally accepted engineering practices.
- (2) *Applicable pretreatment standard.* That most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any federal, state or local governmental entity) and incorporated in this Ordinance, which applicable pretreatment standard shall be complied with by nondomestic wastewater users of the sewerage system.
- (3) *Best Management Practices (BMPs).* Structural or non-structural measures, practices, operating procedures, schedules of activities, treatment requirements, techniques or devices employed to minimize or treat the discharge of pollutants

into the sewerage system; to implement prohibitions listed in Wis. Admin. Code § NR 211.10(1) or (2); or to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage areas. Best Management Practices may be specified (1) by EPA and DNR categorical regulations, or (ii) by MMSD and Sanitary District No. 3 for significant users and non-significant residential, industrial, institutional, and Commercial Users. In the case of the latter, BMPs are equivalent to local limitations and shall be incorporated into any permits issues by MMSD or Sanitary District No. 3.

- (4) *Biochemical Oxygen Demand (BOD)*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 Celsius expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with 40 C.F.R. pt. 136 and Wis. Admin Code Chap. NR 219.
- (5) *Building sewer*. A sanitary sewer that begins at the immediate outside of the foundation wall of any building or structure being served and ends at its connection with a District sewer or interceptor.
- (6) *Carbonaceous biochemical oxygen demand (CBOD)*. The quantity of oxygen used in the biochemical degradation of organic material in five days at 20 degrees Celsius when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 C.F.R. pt. 136 and Wis. Admin Code Chap. NR 219.
- (7) *Combined sewer*. A sewer designed to receive or receiving both wastewater and stormwater or surface water.
- (8) *Commercial User*. Any business or non-profit organization that provides goods or services and generate Wastewater.
- (9) *Commissioners*. The Commissioners of the Sanitary District No. 3.
- (10) *Compatible pollutant*. BOD, TSS, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit issued to the MMSD for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
- (11) *Composite sample*. A sample consisting of portions of waste taken in proportion to the volume of flow of said waste.
- (12) *Director*. The Director of MMSD or other authorized representative of the Commission or MMSD.

- (13) *District sewer.* Any sanitary sewer owned and/or operated by Sanitary District No. 3, which sewer is tributary to an intercepting sewer or treatment facility owned or operated by the MMSD.
- (14) *DNR.* The Wisconsin Department of Natural Resources.
- (15) *Domestic wastewater or sanitary sewage.* A combination of liquid and water-carried wastes and wastewater discharged from toilets, conveniences or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Section (d) of this Ordinance and which contain no substances prohibited by the terms of this Ordinance.
- (16) *Equivalent Residential Units (ERUS).* The number of dwelling units equivalent to average residential sewer use and shall be based on one ERU for every 75,000 gallons of wastewater discharged per year.

Where a user does not have a water meter for measuring the user's water consumption, an Engineer employed or engaged by Sanitary District No. 3 shall estimate the volume of wastewater discharged, based upon standard engineering practices; and the equivalent residential units shall then be determined on this estimate.

- (17) *Federal Act.* The Federal Water Pollution Control Act (33 USC §§ 1251 to 1387, as amended from time to time, et seq.) or as implemented by Wis. Stats. § 283.001 et seq., or appropriate Sections of the Wisconsin Administrative Code adopted pursuant to Wis. Stats. § 283.001 et seq., as well as any applicable guidelines, limitations and standards promulgated by the EPA pursuant to the Federal Act.
- (18) *Floatable oil.* Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated and does not interfere with the collection system.
- (19) *Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.
- (20) *Holding tank waste.* The scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies and other temporary holding facilities and shall include wastes from a soil absorption field.
- (21) *Incompatible pollutant.* Any pollutant that is not a compatible pollutant.
- (22) *Industrial discharge or industrial waste.* Any water-borne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including, but not

limited to, cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.

- (23) *Industrial user.* Any person who makes, causes or permits an industrial discharge into Sanitary District No. 3's wastewater facilities.
- (24) *Intercepting sewer.* Any sanitary sewer owned or operated by MMSD.
- (25) *Interference.* The inhibition or disruption of the sewerage system or wastewater treatment processes or operations, which may or does contribute to a violation of any condition of the MMSD's WPDES Permit.
- (26) *MMSD.* The Madison Metropolitan Sewerage District, a regional sewerage district as defined and with such powers as set forth in Wis. Stats. §200.09, as amended from time to time.
- (27) *National Categorical Pretreatment Standards.* Any regulation or order containing pollutant discharge limitations as promulgated by the EPA in accordance with Section 307(b) and (c) of the Federal Act (33 USC § 1317), which limitations apply to one or more specific categories of industrial users.
- (28) *New Source.* Any building, structure, facility, or installation from which there is or may be discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Federal Act which will be applicable to such source, if such standards are thereafter promulgated provided that:
 - (A) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility, or installation totally replaces or substantially changes the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- (29) *Person.* Any individual, firm, company, partnership, municipality, association, private or public corporation, limited liability company, non-profit entity, cooperative, society, institution, enterprise, government agency, or other entity.
- (30) *Pretreatment.* The reduction of the amount of pollutants, the limitation of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.

- (31) *Properly shredded garbage.* The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all Ordinances will be carried freely under the flow conditions normally prevailing in public sewers.
- (32) *Public sewer.* A sewer owned and maintained by Sanitary District No. 3.
- (33) *Public sewerage system.* All structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served and excepting building sewers.
- (34) *Sanitary District No. 3.* A town sanitary district organized and existing pursuant to Subchapter IX of Wis. Stats. Chap. 60, as amended from time to time. Sanitary District No. 3 is a body corporate with the powers of a municipal corporation, governed by the Commissioners and is responsible for sanitary sewers within its borders, as well as public water service system, if the Commissioners ever determine to provide such service.
- (35) *Sanitary sewage.* A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may have inadvertently entered the sewerage system.
- (36) *Sanitary sewer.* A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, governmental or non-profit properties or institutions.
- (37) *Septage.* The wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (38) *Sewer.* A pipe or conduit that carries wastewater or drainage water.
- (39) *Sewer service charge.* A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.
- (40) *Sewer system.* The public sanitary sewers within a sewerage system. The facilities that convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of “sewer system”; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a “sewer system” when such units are cost effective and are owned and maintained by Sanitary District No. 3. Lift stations or pumping

stations and all appurtenances thereto are included in this definition. For example, a building sewer is not part of the sewer system.

- (41) *Significant industrial contributor*. A user that has a discharge flow that:
- (A) Is greater than 25,000 gallons on any day of the year;
 - (B) Is greater than five percent of the total flow rate or design compatible pollutant loading received at the municipal wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Wis. Admin. Code Ch. NR 211; or
 - (C) Has been notified in writing by the Wisconsin Department of Natural Resources, MMSD or by Sanitary District No. 3 that it is necessary to provide information concerning the concentration and quantity of the pollutants discharged.
- (42) *Slug load or Slug discharge*. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violates conditions in MMSD's Sewer Use Ordinance, or WPDES Permit conditions.
- (43) *Standard methods*. The analytical procedures performed in accordance with 40 CFR § 136, or as the U.S. Environmental Protection Agency otherwise determines.
- (44) *Total Suspended solids (TSS)*. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids and that is removable by laboratory filtering as prescribed in 40 C.F.R. pt. 136 and Wis. Admin Code Chap. NR 219, and referred to as nonfilterable residue.
- (45) *Total Kjeldahl nitrogen (TKN)*. The quantity of organic nitrogen and ammonia as determined in accordance with 40 C.F.R. pt. 136 and Wis. Admin Code Chap. NR 219.
- (46) *Total phosphorus (TP)*. The quantity of total phosphorus as determined in accordance with 40 C.F.R. pt. 136 and Wis. Admin Code Chap. NR 219.
- (47) *Unpolluted water*. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

- (48) *User*. Any person who discharges, or causes to be discharged, domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.
 - (49) *User charge*. The charges levied by MMSD on its customers, municipalities and/or users of the wastewater facilities for the cost of operation, maintenance and replacement of such wastewater facilities. The user charge is a component of the sewer service charge.
 - (50) *Wastewater facilities*. MMSD's structures, equipment and processes that are designed to collect, carry and treat domestic wastewater and industrial discharges.
 - (51) *Wastewater parameters*. Volume, CBOD, TSS, TKN, TP, actual customers, equivalent meters and such additional parameters as may, from time to time, be determined by MMSD or Sanitary District No. 3.
 - (52) *WPDES permit*. MMSD's and Sanitary District No. 3's permits to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stats. § 283.001 et seq.
- (b) Territory of Sanitary District.
- (1) *Additions to Sanitary District Territory.*
 - (A) Sanitary District No. 3 requires addition of all properties outside of Sanitary District No. 3 boundaries requesting sewer service to the territorial boundaries of Sanitary District No. 3.
 - (B) All petitioners shall make such a request for such sewer to Sanitary District No. 3. The application shall be accompanied by a legal description of the property to be served. The petitioner may be asked to attend the appropriate Sanitary District meeting to discuss addition of their property to Sanitary District No. 3.
 - (C) The procedure all petitioners must follow to add territory to Sanitary District No. 3 shall be as set forth in Wis. Stats. §§ 60.71 and 60.785(1). In addition, petitioners shall request the Dunn Town Board to petition the Capital Area Regional Planning Commission to add the territory to the Sanitary District No. 3, Limited Service Area.
 - (i) The Petitioner must contact the Dunn Town Board for approval of addition of territory to Sanitary District No. 3. In the alternative, Sanitary District No. 3 may request the Dunn Town Board to add territory to Sanitary District No. 3.

(ii) Any action on such a petition or request by the Dunn Town Board, shall be forwarded to Sanitary District No. 3 noting approval or disapproval of the addition. If the property is approved for addition to the Sanitary District, a legal description of the land authorized for addition by the Dunn Town Board shall also accompany the notice.

- (D) If sewer extensions are required to service the added property the provisions for sewer service in Section (b)(2) of this Ordinance shall be followed.
- (E) All provisions of Sanitary District No. 3 Ordinances, as amended from time to time, shall apply to all parcels and all lands added into Sanitary District No. 3.
- (F) All costs of adding territory to Sanitary District No. 3 not reimbursed to the Petitioner under Wisconsin law shall be borne by the Petitioner. If the Petitioner is developing more than one parcel, the petitioner may be asked to enter into a Letter of Intent and/or a Developer's Agreement with Sanitary District No. 3 setting forth the agreement between the parties.

(2) *Sewer Main Extensions.*

- (A) To maintain the uniformity of the Sanitary District sewer system, it is the policy of Sanitary District No. 3 that all planning, design, and construction of future sewer main extensions be approved by an engineer employed or engaged by Sanitary District No. 3. This approval is based on a recognition of Sanitary District No. 3's responsibilities in taking into consideration the best interest of the public and all of the potential users of the sewer system. Sanitary District No. 3 shall develop and maintain a system which is compatible within all of its existing or potential parts. Comprehensive basic engineering and planning data and thorough records will become increasingly important as Sanitary District No. 3 develops. All future sewer main extensions will be owned and maintained by Sanitary District No. 3. It has the powers and the responsibility to insure that all of the public affected be treated fairly, and it is for that reason that the planning, design, construction and installation of all future sewer extensions be done by, or under the direction and control of, Sanitary District No. 3 in accordance with the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin, as amended from time to time.
- (B) *Procedures.* Any person requesting an extension of a future sewer main shall make such a request on application forms provided by Sanitary District No. 3. The application shall be accompanied by the following:

- (i) A preliminary plat or certified survey map prepared in compliance with the requirements of Wis. Stats. Chap. 236. It may be desirable from the developer's standpoint to submit a preliminary sketch plan of the proposed development prior to proceeding with the preliminary plat. This will permit early comment by Sanitary District No. 3 and could result in cost savings to the developer.
 - (ii) A topographic map of the area affected with two (2) foot contour intervals.
 - (iii) An application fee based on the number of equivalent residential units to be serviced by the extension.
 - (iv) An agreement between the applicant and Sanitary District No. 3 to pay all costs for the preliminary design of the sewer main extension including engineering, legal, administrative, soil borings, survey, testing, or any other costs incurred in obtaining information required by an engineer employed or engaged by Sanitary District No. 3, and in the preliminary design of the sewer main extension regardless of whether or not it is ever constructed. The application fee shall be a credit against the total costs for the preliminary design, and the balance shall be due and payable in full at the time of submission of the preliminary design by the applicant.
 - (v) A complete and accurate legal description of the entire area to be included in the design and the names and addresses of all owners of any parcel within the confines of the area affected.
 - (vi) A statement of the proposed uses and zoning of the premises.
 - (vii) All survey information related to the area of the subdivision must be provided in electronic form in the format directed by the engineer employed or engaged by Sanitary District No. 3.
 - (viii) Such other information as may be required by said Sanitary District.
- (C) Upon receipt of a copy of the application and accompanying materials, the engineer employed or engaged by Sanitary District No. 3 shall proceed to gather whatever further information may be required for preliminary design. The said engineer shall bill Sanitary District No. 3 separately for such services as to each application and said District shall pay for said services out of the application fee of applicant.

- (i) Upon completion of the preliminary design, the plan, report and recommendations shall be submitted to Sanitary District No. 3 together with recommendations as to considerations to be made by Sanitary District No. 3, potential problems to be encountered and feasibility of the extension.
 - (ii) The said engineer shall compute and include in its recommendations to Sanitary District No. 3, the anticipated total costs of the project, charges for each lot.
- (D) Upon receipt of the preliminary plan, report and recommendations of the said engineer, Sanitary District No. 3 shall prepare a contract between Sanitary District No. 3 and the applicant which shall set forth the rights and obligation of Sanitary District No. 3 and the applicant based on the recommendations of the attorney and engineer employed or engaged by the District and which proposed contract shall specifically include the following:
- (i) The agreement of the applicant to pay all costs of the sewer extension. It is anticipated that there may be extensions which will be for the benefit of more property than that included in the applicant's application. The agreement shall address the methodology for cost recovery by Sanitary District No. 3 for the benefit of the applicant.
 - (ii) The agreement of applicant to provide, without cost to Sanitary District No. 3, on forms acceptable to Sanitary District No. 3, all easements or other land rights required for the construction of the extension.
 - (iii) The agreement of applicant to execute appropriate documents granting Sanitary District No. 3 a lien or appropriate security against all lots in the affected area to guarantee payment of the costs of the sewer extension.
 - (iv) Payment of an initial deposit and agreement for payment of further deposits required by Sanitary District No. 3 and the balance due as set forth herein.
 - (v) Upon execution of the contract and payment of the preliminary deposit, Sanitary District No. 3 shall proceed with whatever procedures may be necessary under law to procure any land rights required which cannot be provided by applicant, to prepare final plans and specifications, to advertise for bids, to obtain bids toward the construction contracts, and to construct the sewer extension.

(vi) Sanitary District No. 3 shall keep accurate and complete records of payments of all monies relating to the project. These costs shall be paid out of the required deposits until said sums have been exhausted.

(vii) When the required deposits have been exhausted Sanitary District No. 3 shall require additional deposits from the applicant for the completion of the project as these costs become due and payable.

(viii) When Sanitary District No. 3 notifies the applicant that the sewer main is operational and connections can be made, Sanitary District No. 3 shall compute the actual total costs of the project and shall give notice thereof to applicant. Deposits paid by applicant shall be subtracted from the total costs to determine the actual balance due.

(ix) For each road opening, the applicant shall pay a road opening fee as specified by an engineer employed or engaged by the Town of Dunn which controls the procedure for opening roads in Sanitary District No. 3 territory

(x) The agreement of applicant to provide, without cost to Sanitary District No. 3, on forms acceptable to the Sanitary District, lien waivers for all labor and materials used and contracted for the construction of the extension.

(c) Application for Service.

(1) Application for permission to connect a building sewer to a District sewer shall be made to Sanitary District No. 3 on a form furnished by Sanitary District No. 3. The application must describe fully and truthfully all the wastes, which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. By submitting such an application, all users are deemed to have agreed to be bound by this Ordinance, as amended from time to time.

(A) The application shall include at least the following information:

- (i) Name of property owner;
- (ii) Legal description of property being served;
- (iii) The number and type of plumbing fixtures to be connected.

(B) If it appears that the service applied for will not provide adequate service for the contemplated use, Sanitary District No. 3 may reject the application. If Sanitary District No. 3 approves the application, it shall issue a connection permit as shown on the application. No service shall

be provided or application approved without prior payment of all applicable fees.

- (2) The applicant shall agree to install the building sewer in accordance with the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin. No building sewer may be connected to a District sewer unless the District sewer is adequately sized to transport the additional flow. The size and kind of pipe for the building sewer shall be subject to the approval of an Engineer employed or engaged by Sanitary District No. 3, but in no case shall a pipe of less than four-inch diameter be used. The slope of the building sewer shall be no less than one-eighth-inch per foot. Such sewers shall be backfilled in the manner designated by an Engineer employed or engaged by Sanitary District No. 3. Prior to connection, each building sewer shall be inspected and approved by an Engineer employed or engaged by Sanitary District No. 3. All applications for disposal of industrial waste shall be on forms provided by MMSD and shall be approved by MMSD prior to connection to any District sewer.

(d) User Charge System.

- (1) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:
 - (A) *Debt service charges.* All costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
 - (B) *Customer charge.* A flat rate consisting of pro rata share of district administrative costs not based upon the cost of providing the volume of wastewater consumed by consumer.
 - (C) *Normal domestic strength wastewater.* Wastewater with concentrations of CBOD, TSS, TKN, and TP no greater than 200, 250, 40 and ten milligrams per liter (mg/l) respectively.
 - (D) *Normal user.* A user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person constituting a distinct household, business or commercial enterprise.
 - (E) *Operation and maintenance costs.* All costs associated with the operation and maintenance of the sewerage system.
 - (F) *Replacement costs.* All costs necessary to replace equipment as required to maintain capacity and performance during the design life of the

facility. A separate, segregated, distinct replacement fund shall be established and used for only replacement of equipment .

- (2) *Policy.* It shall be the policy of Sanitary District No. 3 to obtain sufficient revenues to pay the costs of operation and maintenance of the sewerage system, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined herein. The system shall assure that each user of the sewerage system pays their proportionate share of the costs of such facilities.
- (3) *Basis for charges.*
 - (A) *Determinations of charges.* Sewer service charges to each user shall be based on wastewater parameters recommended from time to time by Sanitary District No. 3. The sewer service charges shall consist of the sum of the annual debt service charges, all annual operation and maintenance costs, all replacement costs, and all sewer service charges levied or assessed to Sanitary District No. 3 by MMSD, plus an amount to be used for working capital and capital improvements as determined by Sanitary District No. 3.
 - (B) *Biennial review.* The sewer service charges of Sanitary District No. 3 shall be reviewed not less than ~~biennially~~annually. Sewer service charges will be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such customer charges attributable to operation and maintenance, debt service and replacement costs. For purposes hereof, Sanitary District No. 3 may satisfy this notice requirement by including in the budget summary required to be published under Wis. Stats. § 65.90, a statement of the aforementioned components of the sewer service charges, based on the results of operations for the preceding fiscal year.
- (4) *Sewer service charges.* A sewer service charge is hereby imposed upon each lot, parcel of land, building or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charges shall be payable as hereinafter provided, and in an amount determinable as follows:
 - (A) There shall be three classes of users.
 - (i) Category A users shall be those users whose water use is metered, discharging normal domestic strength wastewater with up to 250 milligrams per liter for CBOD, and/or 250 milligrams per liter of TSS,

and/or 40 milligrams per liter or TKN, and/or ten milligrams per liter of TP. The Category A Service Charge is of the following form:

Service Charge = Customer Charge + Volume Charge

Customer Charge = A flat rate consisting of a pro rata share of District administrative costs, assigned to that Customer based on the size of the water meter

ERU Charge = The Equivalent Residential Units (“ERUs”) multiplied by the Equivalent Residential Unit Rate (“ERU Rate”)

ERU Rate = The average cost of providing wastewater service to a residential customer for one calendar year, exclusive of administrative and billing costs

Volume Charge = The volume of metered water in hundreds of cubic feet multiplied by the volume rate

Volume Rate = The volume unit price for sewer service expressed in dollars per 100 cubic feet, as determined by Sanitary District No. 3.

No user shall be assigned less than one ERU. An ERU shall mean a single family residential dwelling unit that discharges normal domestic strength wastewater. Each dwelling unit in a duplex shall be assigned one ERU. The number of ERUs for non-residential users shall be as determined by Sanitary District No. 3 on the basis that one ERU is equal to a discharge of 75,000 gallon per year

(ii) Category B users shall be those whose wastewater meets the criteria applicable for category A users, but whose water use is unmetered. The Category B Sewer Service Charge shall be of the form as follows:

Service Charge = Customer Charge+ ERU Charge

Customer Charge = A flat rate consisting of a pro rata share of District administrative costs, assigned to that Customer

ERU Charge = The Equivalent Residential Units (“ERUs”) multiplied by the Equivalent Residential Unit Rate (“ERU Rate”)

ERU Rate = The average cost of providing wastewater service to a residential customer for one calendar quarteryear, exclusive of administrative and billing costs

No user shall be assigned less than one ERU. An ERU shall mean a single family residential dwelling unit that discharges normal domestic strength wastewater. Each dwelling unit in a duplex shall be assigned one ERU. The number of ERUs for non-residential users shall be as determined by Sanitary District No. 3 on the basis that one ERU is equal to a discharge of 75,000 gallon per year

(iii) Category C users shall be users whose wastewater discharges are high strength wastewater having organic concentrations of CBOD greater than 200 milligrams per liter and/or TSS greater than 250 milligrams per liter and/or TKN greater than 40 milligrams per liter, and/or TP greater than ten milligrams per liter. The form of the Category C service charge is as follows:

Service Charge = Customer Charge + Volume Charge + High Strength Surcharge.

The Customer Charge and the Volume Charge are similar to those components of the Category A and B service charges.

High Strength Surcharge equals the excessive CBOD, suspended solids, TKN, and total phosphorus multiplied by the respective CBOD, suspended solids, TKN, and total phosphorus rates. The excessive CBOD, suspended solids, TKN, and total phosphorus are the portions of each of these constituents that are in excess of normal domestic strength wastewater. The excessive amounts of CBOD, suspended solids, TKN, and total phosphorus are expressed in pounds, and their respective rates are expressed in dollars per pound.

- (B) Each user shall be charged an annual Customer Charge based upon a pro rata share of the District's administrative costs. The customer charges shall be as established by Sanitary District No. 3 annually.
- (C) Category A users shall be charged a service charge consisting of the customer charge plus the volume charge for each applicable billing cycle.
- (D) Category B users discharging normal domestic strength wastewater shall be billed at the rate established by Sanitary District No. 3 from time to

time. This rate approximates the costs for 75,000 gallons annually discharged to the sewer system. If it determined by Sanitary District No. 3 that the user discharges more than 75,000 gallons annually to the system, an additional charge established by Sanitary District No. 3 from time to time will be made for estimated additional usage.

- (E) Category C users be billed, in addition to the applicable customer charge and volume charge, a high strength surcharge as part of their service charge. The CBOD charge shall be as established by Sanitary District No. 3 from time to time. The suspended solids charge shall be as established by the Sanitary District No. 3 Board from time to time. The TP charge shall be as established by the Sanitary District No. 3 Board from time to time. The TKN charge shall be as established by the Sanitary District No. 3 Board from time to time. All surcharge rates shall be as provided in Appendix A to this Code. All Category C users shall have their wastestreams sampled periodically to determine the extent to which the wastewater stream is subject to the high strength surcharge.
 - (F) Sanitary District No. 3 shall maintain a written schedule of sewer service charges that is available to its customers upon request. This written schedule of sewer service charges shall be reviewed no less than biennially.
- (5) *Reassignment of sewer users.* Sanitary District No. 3 will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
 - (6) *Billing, payment and penalty.* Sewer service charges shall be billed in arrears to each user annually, or more frequently, if so determined by Sanitary District No. 3. Sewer service charges shall be collected with the property tax bill of each user.
 - (7) *Charges a lien.* All sewer service charges shall be a lien upon the property serviced pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner therein provided.
 - (8) *Disposition of revenue.* The amounts received from the collection of charges authorized by this Ordinance shall be credited to a sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by Sanitary District No. 3, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 C.F.R. § 35.929. Any surplus outside the preview of 40

C.F.R. § 35.929, in said account, shall be available for the payment of principal and interest of any bonds other debt issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and Sanitary District No. 3 may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including any refunding bonds, shall be paid from this fund as to both principal and interest.

- (9) *Excess revenues.* Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for next year.
- (10) *Annual audit.* Sanitary District No. 3 shall authorize and conduct an independent audit, the purpose of which shall be to maintain 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 and debt retirement.

(e) Prohibited Connections.

- (1) *Septic tank connections.* No connection shall be made to any municipal wastewater collection facility if the connection pipe is carrying any contents from a septic tank, unless said septic tank is serving as a pretreatment process, which has been required or permitted pursuant to the MMSD Sewer Use Ordinance.
- (2) *Building foundation drains.* No connection shall be made to any Sanitary District No. 3 wastewater collection facility if the connection pipe is carrying flow from a building foundation drain.

(f) Mandatory Connections.

- (1) Every owner of a parcel of land within Sanitary District No. 3 shall connect to a public sewer whenever all of the following conditions exist:
 - (A) The parcel of land is adjacent to a public sewer;
 - (B) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade, business of industry;
 - (C) Such building or structure is being served by a private sewage disposal system or treatment works; and.
 - (D) The parcel is located within the boundaries of an Urban Service Area or Limited Service Area.

- (2) Such connection shall be made no later than 12 months after the installation of the public sewer adjoining such parcel. Upon failure to do so, the Sanitary District No. 3 may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax lien against the property pursuant to Wis. Stats. § 281.45. However, the owner may, within 30 days after the completion of the work, file a written notification with Sanitary District No. 3 stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five or less equal installments. The amount shall be so collected with interest at a rate not to exceed 15 percent per annum from the date of completion for the work, all as determined by Sanitary District No. 3. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats. § 281.45.

(g) Prohibited Discharge.

- (1) *General prohibitions.* No person shall discharge wastes to a District or intercepting sewer which cause, or are capable of causing, either alone or in combination with other substances:
- (A) A fire or explosion;
 - (B) Obstruction of flow or damage to the wastewater facilities;
 - (C) Danger to life or safety or welfare of persons;
 - (D) Air pollution as defined in Wis. Stats. § 285.01(3), as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder;
 - (E) Prevention of effective maintenance or operation of the wastewater facilities;
 - (F) Any product of MMSD's treatment processes or any of MMSD's residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
 - (G) A detrimental environmental impact, a nuisance or any condition unacceptable to any public agency having regulatory jurisdiction over Sanitary District No. 3;
 - (H) Any District sanitary sewer or MMSD's wastewater facilities to be overloaded;

- (I) In the opinion of the Director of MMSD or of the Sanitary District No. 3 Commission, excessive MMSD or District collection and treatment costs, or the use of a disproportionate share of MMSD's facilities;
 - (J) Cause the MMSD or Sanitary District No. 3 to violate their respective WPDES permits.
- (2) *Specific prohibited discharges.* Prohibited discharges shall include, but not be limited to:
- (A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (B) Any wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
 - (C) Any waters or wastes having a pH lower than 5.5 or higher than ten or having any other corrosive property capable of causing damage or hazard to structures, equipment or treatment works personnel.
 - (D) Solids or viscous substances including, but not limited to, substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, dishes, cups, milk containers, either whole or ground by garbage grinders, as well as other stringy or fibrous materials.
 - (E) Any wastewater from industrial plants containing floatable oils, fats or greases.
 - (F) Any wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
 - (G) Any holding tank waste or septage.
 - (H) Any "flushable" despite their name, wipes. These do not degrade rapidly and have a significant likelihood of clogging building sewers and District sewers.
- (3) *Prohibitions on storm drainage and groundwater.*
- (A) Stormwater, groundwater, rainwater, street drainage, roof runoff and subsurface drainage shall not be discharged into District sewers without prior

approval of Sanitary District No. 3 and MMSD or into intercepting sewers without prior approval of MMSD. Such approval shall be granted only when no reasonable alternative method of disposal is available.

(B) Polluted stormwater runoff from limited areas may be discharged to the sanitary sewer upon approval by the Director of MMSD, payment of applicable charges and fees and compliance with conditions required by Sanitary District No. 3 and MMSD.

- (4) *Prohibition of unpolluted water.* Unpolluted water, including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged into District sewers without prior approval of Sanitary District No. 3 and MMSD or into intercepting sewers without prior approval of MMSD. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and compliance with conditions as required by Sanitary District No. 3 and MMSD.

(h) Limitations on Discharge Characteristics.

- (1) *Limitations related to treatment plant influent.* Discharge to the public sewerage system of the following described substances, materials, waters or wastes shall be limited to the following concentrations or quantities, which concentrations or quantities will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not have an adverse effect on MMSD's sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance:

(A) Liquid having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or any wastewater having a temperature that will inhibit biological activity in the MMSD's treatment plant thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to MMSD's treatment plant to exceed 40 degrees Celsius (104 degrees Fahrenheit), unless the treatment plant is designed to accommodate such temperature.

(B) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.

(C) Radioactive wastes that, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks or which violates rules or regulations of any applicable regulatory agency.

(D) Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(E) Wastewater containing more than 300 mg/1 of oil or grease of animal or vegetable origin.

(F) Wastewater that, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

(G) Wastewater that contains in excess of any of the following constituents in a 24-hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the industrial user:

- 1.0 mg/1 aluminum
- 0.25 mg/1 cadmium
- 0.5 mg/1 hexavalent chromium
- 10.0 mg/1 total chromium
- 1.5 mg/1 copper
- 5.0 mg/1 lead
- 0.02 mg/1 mercury
- 0.3 mg/1 selenium
- 3.0 mg/1 silver
- 8.0 mg/1 zinc
- 2.0 mg/1 nickel
- 0.1 mg/1 cyanide

Samples shall be collected over the period of discharge if the discharge is less than 24 hours in duration.

(H) Industrial discharges exceeding applicable National Categorical Pretreatment Standards or state standards.

(I) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solution.

(J) 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 and repair.

(K) The District may alter, amend or modify the limitations established in Subsection (1) of this Section, if it determines that it is necessary to meet the objectives of this Ordinance or the conditions of MMSD's WPDES permit.

(i) Limitations related to treatment plant effluent.

(A) No person shall discharge any wastewater to the public sewerage system that, in combination with other discharges, results in either:

i. MMSD's treatment plant effluent having concentrations exceeding the following limits:

a. One tenth mg/1 total phenols; or

b. Two one thousandths mg/1 polychlorinated biphenols (PCBs).

ii. MMSD's treatment plant digested sludge exceeding a PCB concentration of ten ppm on a dry-weight basis.

(B) No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of MMSD's WPDES permit and any modification or reissuance thereof.

(3) *Limitations superseded.* Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the federal standards, if more stringent than the limitations imposed under this Ordinance, shall immediately supersede the limitations imposed under this Ordinance, and such industrial user shall comply with said federal standards. MMSD shall notify all affected users of the applicable requirements under 40 CFR § 403.12.

(4) *No dilution of industrial discharges.* Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established in this Ordinance or below other applicable pretreatment standards is prohibited.

(j) Accidental Discharge.

Any person who accidentally discharges into the public sewerage system wastes or wastewater prohibited under this Ordinance shall immediately report such a discharge to the Director of MMSD and shall report the location of the discharge, the time thereof, the volume thereof and the type of waste or wastewater so discharged. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to Sanitary District No. 3 and to the Director of MMSD. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Ordinance. Where the Director of MMSD deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this Ordinance.

(k) Standard Grease Trap Installations.

The installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes and other industrial or commercial establishments shall be required, where necessary in the opinion of the Director of MMSD, to prevent discharge of sand, flammable wastes, oil and grease in amounts exceeding the limits of Sections (e) through (g) of this Ordinance. All such traps shall be constructed and maintained by the owner at the owner's expense, in accordance with the Wisconsin Plumbing Code and the Standard Specifications of Sanitary District No. 3, and shall be readily accessible for cleaning and inspection.

(l) Prohibition of Discharge of Septage Wastes; Disposition of other Wastes.

No holding tank, septage, or grease trap waste may be discharged into District sewers, and other waste permitted to be discharged under this Ordinance shall be of domestic origin or contain compatible pollutants only.

(m) Wastewater Measurements, Sampling, Reporting and Monitoring Facilities.

- (1) Wastewater characteristics and constitutes shall be monitored to determine compliance with this Ordinance and to facilitate an equitable system of service charges.
- (2) A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
- (3) An existing user whose discharges are different from domestic wastewater may be required by MMSD or Sanitary District No. 3 to install a monitoring facility. Construction of such facility must be completed within 90 days after the user has been notified of the requirement, unless MMSD grants an extension of time.
- (4) All monitoring facilities shall be constructed at the owner's expense, in accordance with the plans approved by Sanitary District No. 3 and MMSD. The monitoring facility shall contain the necessary flow monitoring and sampling equipment to facilitate the observation, sampling and measurement of wastes and shall be maintained by the owner so as to be safe and accessible at all times.
- (5) The requirements of Subsections (2), (3) and (4) of this Section may be waived by special written permission of the Director of MMSD and Sanitary District No. 3.

(n) Owner's Maintenance of Building Sewer.

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls

between the same, without expense to Sanitary District No. 3, except when they are damaged as a result of negligence or carelessness on the part of Sanitary District No. 3. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all building sewers; and the ownership thereof shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a building sewer, the same shall be the responsibility of the property owner, except as provided for in Section (x) or as otherwise provided for herein.

(o) Damages to System.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or pertinence of equipment that is a part of the sewerage system. Any person violating this provision shall be subject to charges of violations of state law or Town of Dunn ordinances.

(p) Written Notice of Violation.

Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by Sanitary District No. 3 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.

(q) Accidental Discharge.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the sewerage system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by Sanitary District No. 3.

(r) Liability to Sanitary District No. 3 for Losses.

Any person violating any provision of this Ordinance shall become liable to Sanitary District No. 3 for any expense, loss or damage occasioned by reason of such violation that Sanitary District No. 3 may suffer as a result thereof.

(s) Drainage Recovery.

Sanitary District No. 3 shall have the right of recovery from all persons, any expense incurred by Sanitary District No. 3 for the repair or replacement of any part of the sewerage system damaged, in any manner by any person by the performance of any work under that person's control, or by any negligent acts.

(t) Appeal Procedure.

Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provision of this Ordinance may file with Sanitary District No. 3 a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. Sanitary District No. 3 upon receiving the request for reconsideration shall publish the request in its official newspaper. Sanitary District No. 3 shall render a decision on the request for reconsideration of the user in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by Sanitary District No. 3 is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a circuit court action under Wis. Stats. Chap. 68.

(u) Optional Penalty for Failure to Make Mandatory Connection.

In lieu of causing a mandatory connection to a public sewer main to be made at its order, Sanitary District No. 3, at its option, may impose a penalty for the period that the violation continues after ten days' written notice to any owner failing to make such connection to the sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, such penalty shall be assessed as a special tax lien against the property pursuant to Wis. Stats. § 281.47.

(v) 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 exhibits the proper permit for the same from Sanitary District No. 3.

(w) Obstruction of Building Sewers in Public Rights-of-Way.

In the event of any blockage, damage or break in any building sewer, which occurs within a public street, alley, highway, or other public right-of-way, Sanitary District No. 3 shall have the exclusive right and option to repair the building sewer within said street, alley, highway or right-of-way. In such event, the owner of the building sewer shall promptly reimburse Sanitary District No. 3 for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.

(x) Backflow Preventers.

All floor drains shall have a backflow prevention valve installed at the owner's expense. All new construction shall comply from the effective date of the ordinance from which this Ordinance.

(y) Single-User Laterals or Building Sewers.

No user shall allow other persons or other services to connect to the sewer system through their lateral or building sewer.

(z) Discontinuance of Service.

Whenever any person desires to discontinue sewer service from the system, that person shall apply to Sanitary District No. 3 in writing and pay the required fee prior to such disconnection. Disconnection shall only be allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the property owner to discontinue sewer service or to an abatement of sewer service charges.

(aa) User to Permit Inspection.

Every user shall permit the duly authorized agent of Sanitary District No. 3, at all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Wis. Stats. § 196.171, to the extent applicable.

(bb) Condemnation Where Necessary.

Whenever any real estate or any easement therein or use thereof shall, in the judgment of Sanitary District No. 3, be necessary to the sewer system, and whenever for any reason an agreement for purchase from the owners cannot be made, Sanitary District No. 3, shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with the Wisconsin Statutes and any other applicable federal or state provisions.

(cc) Disconnection and Refusal of Service.

- (1) *Reasons for disconnection.* Sewer service may be disconnected or refused for the following reasons :
 - (A) Violation of this Ordinance, as amended from time to time;
 - (B) Violation of MMSD ordinance, as amended from time to time;
 - (C) Failure to pay the application fee, any connection fee or delinquent account of the user.
- (2) *Discontinuation for delinquent accounts.* Service charges become delinquent if unpaid after the due date thereof. Sanitary District No. 3 may disconnect service for delinquent charges by giving the user at least eight calendar days

prior to disconnection, a written disconnect notice. For purposes of this rule, the due date shall not be less than 20 days after issuance of the bill. Sanitary District No. 3 may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any user for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.

(dd) Connection Fees.

- (1) *MMSD charges.* For each connection of a building sewer to a public sewer within Sanitary District No. 3, there shall be paid a connection charge as determined pursuant to MMSD ordinance, as amended from time to time.
- (2) *Utility charges.* For each connection of a building sewer to a public sewer within Sanitary District No. 3 there shall be paid connection charges. Such connection charges shall be assessed to the person seeking the connection and shall be paid as a condition precedent to the actual connection. The connection charges shall be the charge established by Sanitary District No. 3 from time to time for sewer hookup and lateral for new buildings.
- (3) *Failure to pay violation of Ordinance.* For purposes of this Ordinance, the connection charges described in Subsections (1) and (2) of this Section are collectively referred to as "connection fees." The failure to pay any connection fee is a violation of this Ordinance, and Sanitary District No. 3 may pursue all rights and remedies provided for herein.

[The connection charge at the time of adoption of this ordinance is \\$500.00](#)

(ee) Abatement Procedures.

- (1) *Violations constituting public nuisance.* A violation (other than the failure to pay sewer service charges or other fees or costs due under this Ordinance) of any provision of this Ordinance or any other rule or order of the Public Utilities Committee or Sanitary District No. 3 is hereby declared to be a public nuisance.
- (2) *Enforcement.* Sanitary District No. 3 shall have the right to enforce the provisions of this Ordinance and shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this Ordinance to abate a public nuisance unless Sanitary District No. 3 shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.
- (3) *Summary abatement.* If Sanitary District No. 3 determines that a public nuisance exists within the Sanitary District No. 3 and that there is great and immediate

danger to public health, safety, or welfare, Sanitary District No. 3 may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

- (4) *Abatement after notice.* If Sanitary District No. 3 determines that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to present great and immediate danger to the public health, safety, or welfare, Sanitary District No. 3 shall serve notice to the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, Sanitary District No. 3 shall cause the nuisances to be removed as provided in Subsection (3) of this Section.
- (5) *Other methods not excluded.* Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by Sanitary District No. 3 or its officials in accordance with the laws of the state.
- (6) *Court order.* Except when necessary under Subsection (3) of this Section, Sanitary District No. 3 shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (7) *Cost of abatement.* In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by Sanitary District No. 3 shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge pursuant to Wis. Stats. § 66.0627. For purposes hereof, costs shall include, but not be limited to, actual attorneys' fees and court costs.

(ff) Public Sewer Main Extension.

- (1) *Application and approval.* The extension of public sewer system to serve new customers/users is subject to the prior review and approval of Sanitary District No. 3 and any other governmental agency having appropriate jurisdiction. Any person seeking to develop real property and requiring sewer service in connection with such development, shall make application to Sanitary District No. 3 for a public sewer main extension, if so required, in order to serve such development. Such application shall be in writing and shall set forth the following information:
 - (A) The name of development, the legal description of the property involved, the owner of the property if different than the applicant, and written consent of the owner must accompany application;

- (B) The plat map or Certified Survey Map or other map showing street layout and lot sizes;
 - (C) The proposed plans and specifications for the sewers;
 - (D) The name and address of applicant's consulting engineer;
 - (E) The number of housing units and/or other units to be constructed;
 - (F) Such additional information as Sanitary District No. 3 Board may require.
- (2) *Conditions of approval.* Sanitary District No. 3, shall have the sole discretion to approve or disapprove the requested public sewer system extensions. In granting such approval, Sanitary District No. 3 may condition its approval upon compliance with:
- (A) Any applicable ordinances of the Sanitary District No. 3, MMSD or Dane County;
 - (B) Any applicable statute, rules, orders, or codes of the state;
 - (C) The preparation of plans and specifications for the public sewer system extension, subject to the approval of Sanitary District No. 3 and its consulting engineer;
 - (D) The applicant making and installing the public sewer system extension at the applicant's sole cost and expense or otherwise providing a surety bond or other security to ensure that the public sewer system will be so constructed within a reasonable period of time;
 - (E) The dedication of such rights-of-way, easements, and sewerage facilities as the Sanitary District No. 3 may reasonably require;
 - (F) The payment of all costs and expenses incurred or to be incurred by Sanitary District No. 3 in connection with the review and approval of such public sewer system extension, including, but not limited to, engineers' fees, attorneys' fees, inspection fees and other similar costs and expenses;
 - (G) The payment of any applicable connection fees due or to become due pursuant to subsection (dd) of this Ordinance;

(H) Any other condition determined by Sanitary District No. 3 to be fair and reasonable in order to protect the interest of the Sanitary District No. 3 in connection with the proposed development.

- (3) *Contract for sewer improvements.* Sanitary District No. 3 may require the person filing an application pursuant to subsection (b)(2) of this Ordinance to enter into a written development agreement with Sanitary District No. 3 as a condition of the approval of the public sewer system extension. Such agreement shall define the scope of the work, the obligations of the applicant to construct the sewer facilities, the requirement of security for performance of the applicant's obligations set forth therein, and such other matters as Sanitary District No. 3 and/or Sanitary District No. 3 may reasonably determine. The applicant shall reimburse Sanitary District No. 3 for all engineering, inspection, or attorneys' fees incurred hereunder
- (4) *Sanitary District No. 3 sewer extension.* Sanitary District No. 3 may, on its own, cause any public sewer system to be extended at such time and under such conditions as Sanitary District No. 3 deems appropriate.
- (5) *Approval of District sewers.* Prior to constructing or extending a District sewer, Sanitary District No. 3 shall receive approval of the MMSD. It shall submit an application to MMSD including the following.

(A) *Plans and specifications.*

(i) At least two (2) sets of plans and specifications shall be provided for any construction, reconstruction, alteration or extension of District sewer. An electronic copy of the required plans and specifications shall be included with the submittal per the DNR's requirements.

(ii) All construction plans shall be in conformation with Wis. Admin. Code Ch. NR 108.

(iii) The plans submitted to MMSD shall be on 11 x 17 high grade paper and shall be clear and legible. The pages shall be numbered and the plans drawn to a suitable, conveniently usable scale.

(iv) All elevations given on plans submitted to the Commission shall be based on the North American Vertical Datum of 1988 (NAVD88). All bearings shown shall be referred to a boundary line of government lot or quarter section, monumented in the original survey or resurvey of Wisconsin. Every plan submitted shall bear a sign showing the direction of the true north in relation to the plan.

(v) Map(s) showing: the location of the work, the ultimate tributary drainage basin(s) and the immediate service area of the proposed sewer extension for sewers eight inches in diameter or larger.

(vi) The size, type, and grades of proposed sewers.

(vii) The elevations of sewer inverts and the manhole tops.

(viii) The distance between manholes.

(ix) Complete details of all appurtenances.

(x) The plans shall be accompanied by complete and signed DNR Sanitary Sewer Extension Submittal Forms, as amended from time to time.

(xi) Plans shall be reviewed by the Capital Area Regional Planning Commission as required pursuant to Wis. Admin. Code § NR 110.08(4). A copy of the Capital Area Regional Planning Commission 208 review and letter and approval letter from Sanitary District No. 3 shall accompany the plans.

xii. No extensions shall be approved unless the area served is within the territory to MMSD.

(B) *Incomplete applications.* Incomplete applications shall not be processed and considered for MMSD and Sanitary District No. 3 approval until all of the required information is provided by the application. Plans not approved by MMSD shall be returned to the applicant with a letter describing the reason(s) for denial of the application.

(6) *Best Management Practices.* Sanitary District No. 3, its customers and any application seeking to extend its systems shall follow Best Management Practices (BMPs) developed or cited by MMSD for the discharge of any constituents, substances, materials, waters, or waste where MMSD determines that following these BMPs is necessary to meet the objectives of this Ordinance or the conditions of MMSD's WPDES permit. Where a BMP is required to implement prohibited discharge and pretreatment standards for the purpose of Wis. Stats. §283.21(2)."

The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Dunn Sanitary District No. 3 on the ____ day of _____, 2021.

TOWN OF DUNN SANITARY
DISTRICT NO. 3

By: _____
Alan Monroe, Chair

By: _____
Tammy L. Rayfield, Treasurer

ATTEST:

By: _____
Catherine Richards, Secretary

4862-4650-4711, v. 1