

## TITLE 5

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### CHAPTER 2

#### Sewer Use

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#### SEC. 5-2-1 INTRODUCTION AND GENERAL PROVISIONS.

The intent of this Chapter is to regulate the use of wastewater facilities operated in the Town of Burke by Utility Districts created pursuant to Sec. 66.072, Wis. Stats., and to set forth equitable revenue systems so as to derive the maximum public benefit. This Chapter has been developed pursuant to Public Law 92-500 and the authority of the Town of Burke. This Chapter shall supersede any previous Sewer Use Ordinance and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable Statute, the Statute shall be controlling.

#### SEC. 5-2-2 DEFINITIONS.

The terms defined in Article II of the Madison Metropolitan Sewerage District's Sewer Use Ordinance shall have the same meaning when used in this Chapter unless the context specifically indicates otherwise. In addition, unless the context specifically indicates otherwise, the meaning of the following terms used in this Chapter shall be:

- (a) **Commercial User.** Shall mean any user not classified as a residential user, a multi-family user or an industrial user.
- (b) **District's Sewer Use Ordinance.** Shall mean the Sewer Use Ordinance of the Madison Metropolitan Sewerage District adopted in January 1977, and any amendments thereto.
- (c) **Multi-Family User.** Shall mean any dwelling unit containing three (3) or more family living units which discharges wastewater to a community sewer or intercepting sewer.
- (d) **Residential User.** Shall mean any dwelling unit containing one (1) or two (2) family living units which discharges wastewater to a community sewer or intercepting sewer.
- (e) **Wastewater Unit.** Shall mean the average amount of wastewater that would be generated by one (1) full time employee of a commercial user.

**SEC. 5-2-3 USE OF PUBLIC SEWERS REQUIRED.**

- (a) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Burke or in any area under the jurisdiction of said Town of Burke any human or non-farm animal excrement, garbage or other objectionable waste.
- (b) It shall be unlawful to discharge to any natural outlet within the Town of Burke or in any area under the jurisdiction of said Town of Burke any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter, Chapter 27 of the Dane County Sanitary Ordinance, or under the provisions of applicable State law.
- (c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- (d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town of Burke and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Community or district, is hereby required at his expense to install suitable toilet and wastewater facilities and a building sewer therein and to connect such facilities directly with the public sewer in accordance with this Chapter, within sixty (60) days after date of official notice to do so, provided that said public sewer is within one hundred fifty (150) feet of the property line. Any septic tank, cesspool, or similar private wastewater disposal facility that is abandoned shall be filled with suitable material.

**SEC. 5-2-4 PRIVATE WASTEWATER DISPOSAL.**

Where a public sanitary sewer is not available under the provisions of Section 5-2-3, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article, Chapter 27 of the Dane County Sanitary Ordinance, and Chapter 862.20 of the Wisconsin Administrative Code and as may be amended from time to time.

**SEC. 5-2-5 CONNECTION TO MADISON METROPOLITAN SEWERAGE DISTRICT INTERCEPTING SEWERS.**

- (a) **Combined Sewers.** No combined sewers shall be connected with the wastewater facilities of any Utility District in the Town of Burke.
- (b) **Sewer Connections.**
  - (1) Connection of a Sanitary Sewer to an Intercepting Sewer. Any person desiring to connect a sanitary sewer to an intercepting sewer shall make application to Madison Metropolitan Sewerage District in accordance with Section 5.2 of the District's Sewer Use Ordinance.
  - (2) Connection of a Building Sewer to a Community Sewer. Any person desiring to connect a building sewer intended to serve a nonindustrial user to a Community sewer shall make application in writing on forms provided by the Town of Burke. Such application shall be by a master plumber licensed by the Department of Health and Social Services of the State of Wisconsin and authorized by the owner or operator of the premises for which such connection is desired. A non-refundable fee of Twenty-five

Dollars (\$25.00) shall be paid to the Utility District involved upon filing the application. Upon approval of said application, the Utility District involved shall issue a permit granting the right to make the connection and specifying special conditions which must be met prior to connection. No work of laying the building sewer shall be commenced or continued without the required connection permit being on the premises. The building sewers shall be constructed as required by H82.23 of the Wisconsin Administrative Code. At the time of connection, the building sewer shall be inspected by the Town of Burke Plumbing Inspector. Any person desiring to connect a building sewer intended to serve an industrial user to a Community sewer shall make application to the Madison Metropolitan Sewerage District in accordance with Section 5.2 of the District's Sewer Use Ordinance.

- (3) Connection of a Sanitary Sewer, Other Than a Building Sewer, to a Community Sewer. Any person desiring to connect a sanitary sewer, other than a building sewer, to a Community sewer shall make application to the Town Utility District involved in writing. Such application shall be made by a licensed professional engineer authorized by the owner(s) of the property for which such connection is desired. The application shall describe the location of the requested connection and the volume and characteristics of the wastewater to be transmitted and shall include a statement that the design and construction of the system shall be subject to the lawful rules and regulations of the District and the Town of Burke and the Utility District involved. Connections will be allowed only when the capacity of downstream collection and treatment facilities is adequate. All construction costs, including engineering, legal, accounting and administrative costs, materials, labor, inspection and easements, shall be the responsibility of the owner(s) of the property for which such connection is desired. Upon completion and acceptance of the project for which the connection is desired, all of the facilities constructed, other than the building sewers, shall be deeded to the Town of Burke or the Utility District involved as directed.

- (c) **Supervision of Construction of Community and Building Sewers.** Construction of Community sewers shall be under the direction of a licensed Professional Engineer selected by the Town of Burke or the Utility District involved. Such engineer shall keep accurate records of the location, depth and length of sewers as built and the location of the "Y" branches or slants. All building sewers served by any Town Utility District shall be inspected by the Town of Burke Plumbing Inspector.

#### SEC. 5-2-6 USE OF THE PUBLIC SEWERS.

- (a) **Prohibited Discharges.** No discharge prohibited by Section 5.1 of the District's Sewer Use Ordinance shall be discharged into a community sewer. In addition, no person shall discharge wastes to a community sewer which cause, or are capable of causing, either alone or with substances:
- (1) A condition unacceptable to any public agency having regulatory jurisdiction over the Town of Burke or any Town Utility District.
  - (2) Use of a disproportionate share of the community's wastewater facilities.
- (b) **Limitations on Discharge Characteristics.** The limitations on the characteristics of wastewater discharged to any public sewer in the Town of Burke shall be the same as the limits set in Section 5.2 of the District's Sewer Use Ordinances.
- (c) **Accidental Discharge of Prohibited Wastewater.** Any person who discharges into any public sewerage system wastes or wastewater prohibited under this Chapter

shall, as soon as practicable thereafter report such discharge to the Town Utility District involved and to the Chief Engineer of the Madison Metropolitan Sewerage District. Within fifteen (15) days of such prohibited discharge, a detailed written statement describing the cause of such discharge and the measures taken to prevent a future occurrence shall be submitted to the Town Utility District and the Chief Engineer of the Madison Metropolitan Sewerage District.

- (d) **Alternatives to Acceptance of Wastewater.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers in excess of those limitations enumerated in Subsection (a) or (b) above, the Utility District involved, subject to approval of the Chief Engineer of Madison Metropolitan Sewerage District, may:
  - (1) Reject the wastes;
  - (2) Require pretreatment;
  - (3) Control the quantities and rates of discharge; and/or
  - (4) Recover the increased costs of handling and treating such wastes.
- (e) **Pretreatment of Industrial Wastes.** Pretreatment of industrial discharges shall be in accordance with Section 5.5 of the District's Sewer Use Ordinance.
- (f) **Limitations of Discharge of Holding Tank Wastes.** Any discharge of holding tank wastes shall be in accordance with Section 5.6 of the District's Sewer Use Ordinance.
- (g) **Sand and Grease Trap Installations.** Sand and grease trap installations shall be installed where required by Section 5.7 of the District's Sewer Use Ordinance, and shall be installed in accordance therewith.

#### SEC. 5-2-7 WASTEWATER MEASUREMENT, SAMPLING AND REPORTING.

Monitoring facilities shall be constructed, operated and inspected, and reports filed in accordance with Article VI of the District's Sewer Use Ordinance. In addition, any user who so desires may install and operate monitoring facilities and report their wastewater characteristics for billing purposes in accordance with Article VI of the District's Sewer Use Ordinance. The cost of construction, operation and inspection of all such monitoring facilities shall be paid for by the user thereof.

#### SEC. 5-2-8 SERVICE CHARGES.

- (a) **User Classification.** All users shall be classified as:
  - (1) Residential;
  - (2) Multi-family;
  - (3) Commercial; or
  - (4) Industrial.
- (b) **Service Charges and Service Charge Rates.**
  - (1) **General.** The service charges to users served by a Town of Burke Utility District shall be in accordance with Sec. 66.072(2), Wis. Stats., and are intended to recover the following costs:
    - a. The cost for operating and maintaining the community sewers, including lift stations;
    - b. The cost for construction of new or replaced community sewers, including lift stations, unless such costs are collected by special assessments;

- c. The engineering, legal, accounting and administrative costs, including charges for administrative services rendered by the Town of Burke for the Utility District or fees of commission;
  - d. The District's costs billed to the Community; and
  - e. Debt services.
- (2) Residential Users Service Charges. Residential users shall be charged a flat rate per living unit. Such a rate shall reflect:
- a. The cost of transporting and treating the domestic wastewater generated by a residential user; and
  - b. The administrative costs of the Utility District involved.
- (3) Multi-Family Users Service Charges. Multi-family users shall be charged a flat rate per living unit. Such a rate shall be determined in accordance with Subsections (b)(1) and (2) above hereof.
- (4) Commercial Users Service Charges. Commercial users shall be charged a base charge plus a flat rate per wastewater unit generated by such a user. The base charge for commercial users shall reflect the administrative costs of serving such a user. The flat rate per wastewater unit shall reflect the cost of transporting and treating one (1) wastewater unit. The Community shall determine the number of wastewater units generated by each commercial user. The Commercial user service charge shall take into consideration the items referred to in Subsection (b)(1).
- (5) Industrial Users Service Charges.
- a. Service charges to industrial users required to monitor their wastewater discharges shall be based on the volume of wastewater discharged, the pounds of BOD discharged, the pounds of suspended solids discharged, and the actual or estimated size of the water meter(s) that serves or would be necessary to serve such a user. The metering and sampling necessary to determine the volume of wastewater and the BOD and suspended solids concentrations of the wastewater shall be done in accordance with Section 5-2-7. The rate per volume of wastewater shall reflect the unit cost for transporting and treating a volumetric unit of wastewater and shall be used to determine the volume portion of the service charge for such users. The rate per pound of BOD shall reflect the cost for transporting and treating a pound of BOD and shall be used to determine the BOD portion of the service charge for such users. The rate per pound of suspended solids shall reflect the cost for transporting and treating a pound of suspended solids and shall be used to determine the suspended solids portion of the service charges for such users. The rate based on the size of water meter shall reflect the administrative costs of serving such a user and shall be used to determine to demand portion of the service charge for such users.
  - b. Service charges to industrial users that discharge primarily segregated domestic wastewater shall be determined in the same manner as service charges for commercial users.
- (6) Service Charge Rates Adjustments. All service charge rates shall be reviewed at least annually and may be adjusted whenever necessary.

#### **SEC. 5-2-9 INDUSTRIAL COST RECOVERY CHARGES.**

The industrial cost recovery requirements and administration shall be in accordance with Article VIII of the District's Sewer Use Ordinance.

**SEC. 5-2-10 BILLING AND COLLECTION.**

- (a) **Service Charges Billing and Collection.** Service charges shall be billed annually. A surcharge of one percent (1%) of the service charge per month will be added to bills not paid within thirty (30) days.
- (b) **Industrial Cost Recovery Billing and Collection.** Industrial cost recovery charges shall be billed annually. A surcharge of one percent (1%) of the industrial cost recovery charge per month will be added to bills not paid within thirty (30) days.
- (c) **Delinquent Payments.** Delinquent payments shall be collected in the manner provided by Section 66.076 of the Wisconsin Statutes.

**SEC. 5-2-11 ENFORCEMENT OF THIS CHAPTER.**

- (a) **Notice of Violation and Special Order of Remedy.** Any person believed by the Plumbing Inspector of the Town of Burke to be in violation of this Chapter or of any permit issued hereunder shall be served with a written notice by personal service or certified mail stating the nature of the violation and issuing a special order for the appropriate remedy thereof.
- (b) **Appeal Procedure.** Any person who objects to a notice of violation or a special order shall, upon request made to the Utility Commission of the Utility District involved, be entitled to be heard by said Commission with respect to the objection at a time and place set therefor by said Commission.
- (c) **Penalties.** A violation of this Chapter shall be a public nuisance and shall be abated and damages and costs recovered therefor in accordance with Section 823.02 of the Wisconsin Statutes. Any person who fails to comply with a special order within the time specified or otherwise violates the Chapter shall be declared to be a person creating a public nuisance enjoined under Section 823.02 of the Wisconsin Statutes and shall forfeit to the Town of Burke not more than One Thousand Dollars (\$1,000.00) for each day such failure continues.
- (d) **Falsifying of Information.** No person shall knowingly make any false statement, representation, record, report, plan, or other document filed with the Community or the District, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter or the District Sewer Use Ordinance. Any person who violates this provision shall be subject to the penalties imposed under Section 5-2-12.