

ORDINANCE NO. 2002-01

AN ORDINANCE ESTABLISHING THE SEWER UTILITY OF THE Town Sanitary District No. 1 of the Town of Cable, OF Bayfield COUNTY, WISCONSIN (hereinafter "**District**") AND ESTABLISHING SEWER RATES, RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND ALSO CONCERNING GOVERNMENT OF SEWER USERS, LICENSED PLUMBERS AND OTHER, AND PENALTIES.

THE **District** DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1.00

DEFINITIONS

The following definitions are applicable to this ordinance:

BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

GARBAGE shall mean the residue from the preparation, cooking and dispensing of food, and from the handling storage, and sale of food products and produce.

INCOMPATIBLE POLLUTANTS shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

INDUSTRIAL WASTE shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

PH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a PH value of 7 and hydrogen-ion concentration of 10^{-7} .

SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEPTAGE shall mean scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

SHOCK shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty—four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as non-filterable residue.

WASTEWATER shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water—carried wastes from residences, commercial buildings, industrial plants, and institutions; together with any ground water, surface water, and storm water that may be present, but not intentionally admitted

WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

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

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

SECTION 2.00

2.01 The management, operation, and control of the sewer system for the **District** is vested in the **District Commission** of said **District**. All records, minutes and all written proceedings thereof shall be kept by the **Secretary** of the **District**. The **Treasurer** of the **District** shall keep all the financial records.

2.02 The sewer utility of the **District** shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the **District** and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The **Commission** shall have power by themselves, their officers, agents, and servants, 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 **Commission** shall have power to purchase and acquire for the **District** all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

2.03 **Condemnation of Real Estate**. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the **Commission** 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 Commission 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.

2.04 Title to Real Estate and Personal Property. All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said District.

SECTION 3.00

User Rules and Regulations:

The rules, regulations, and sewer rates of the District hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system of the District and every such person, company, or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said District may hereafter adopt 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 Commission and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Commission may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the said Commission furthermore, may declare any payment made for the service by the party of parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the District 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 proper cases.

Whereas, the District by accepting wastewater and septage assumes all risk for treatment and meeting their WPDES but reserves the right to immediately discontinue acceptance of wastewater or septage for operational and permit reasons; and

This Ordinance regulates the used of public and private sewers and drains, disposal of septage wastes into the public sewers, and the discharge of waters and wastes into the public sewerage systems within the District. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the District to comply with administrative provisions, water quality requirements, toxic and pretreatment effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the District sewerage system.

This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the District's costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous District Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance and any applicable Statute, the State Statutes shall be controlling.

SECTION 4.00

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

4.01 PLUMBERS

A. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

4.02 USERS:

A. Application for Service. Every person connecting with the sewer system shall file an application in writing to the **Commission** in such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the **District**. The application must state fully and truly all the use which will be allowed except upon further application and permission regularly obtained from said **District**. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the **District** 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 **District** may reject the application. If the **District** shall approve the application, it shall issue a permit for services as shown on the application.

B. 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 **District**.

C. User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

D. User Use Only. No user shall allow others or other services to connect the sewer system through his lateral.

E. User to Permit Inspection: Every user shall permit the **District** or their duly authorized agent, at all reasonable hours 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 **District** or **Commission** 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 to shut off the sewer service within the said **District**. The **District** 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.

4.03 EXCAVATIONS:

A. In making excavations in streets or highways 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.

B. No person shall leave any 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.

C. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine 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 **District**. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

4.04 TAPPING THE MAINS:

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

B. Pipes should always be tapped on the top-half, and not within six inches (15cm) of the joint, or within 24 inches (60cm) of another lateral connection.

4.05 INSTALLATION OF HOUSE LATERALS:

A. All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter 5-1—62 "Design, Construction, Installation, Supervision and Inspection of Plumbing; specifically, Section H—62.04 (4) "Building Sewers," or any future code which replaces it.

B. Per Section H-62,04 (5), all laterals will be inspected. "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before back filling; and tested before or after back filling."

4.06 APPLICATION FOR SEPTAGE DISPOSAL:

Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to the **District** wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the **District** in such a form as is prescribed for that purpose. During the months of July and August forms for such application will be furnished at the office of the **District**. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the **District** wastewater treatment works.

During the month of September, the **District** will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the **District** wastewater treatment facility. The **District** shall approve or reject all applications by October 1 of each year. If the **District** cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area.

All **District** approvals for septage disposal shall have the conditions that any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the **District** may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this ordinance or of any conditions of the **District's** 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.

4.07 SEPTIC TANK AND HOLDING TANK DISPOSAL:

No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the **District** boundaries unless a permit for disposal has been first obtained from the **Commission**. Written application for this permit shall be made to the **Commission** and shall state the name and address of the applicant; the number of its disposal units, and the size, make, model,

and license number of each unit. Permits shall be non-transferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee, to be set by the Commission by ordinance subsequent hereto. The Board may impose such conditions as it deems necessary on any permit granted.

Charges for a disposal per 1,000 gallons shall be set by the Commission by ordinance subsequent hereto. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.

Note: The above flat charge will normally apply. However, at the discretion of the utility a sample can be taken and tested for BODS and SS strength. The following formula will then be used to determine the disposal charge; however, if the formula charge is calculated to be less than the flat charge, the flat charge will govern.

Disposal Charge $DC = (CS \times 6005) + (CS + SS)$

Where: BOO 5 (in pounds) = $\cdot \text{MG/L} \times 8.34 = \underline{\hspace{1cm}} \text{ MG}$
SS (in pounds) $\cdot \text{MG/L} \times 8.34 = \underline{\hspace{1cm}} \text{ MG}$

• Strength of Discharge
MG= Volume of Discharge expressed in million gallons; i.e. 1000 gallons = 0.001 MG.

And the rates will be set by the utility by ordinance subsequent hereto:

CB = \$ per pound of BOD 5
CS = \$ per pound of SS

Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than one—hundred thousand dollars (\$100,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

Any materials dumped into treatment system shall be of domestic origin only and that he will comply with the provisions of any and all applicable ordinances of the District and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.

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

The person(s) or party disposing waste shall furnish bond to the District in amount of \$1,000.00 to guarantee performance. Said performance bond shall be delivered to District prior to the issuance of the permit hereunder.

4.08 SEPTAGE ACCEPTANCE LOCATION:

Septage shall only be discharged to the sewerage system by District approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the District.

Septage discharges to specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the District and require written documentation of the discharge to be submitted to the District within one working day of the discharge to the District's sewers or wastewater treatment facility.

Septage discharges to the **District's** septage holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility. As with discharges to a manhole, documentation of the discharge shall be submitted to the **District** within one working day of the discharge to the septage holding facility.

Blanks for documentation of the discharge will be furnished at the **District** office and will include the following:

- 1) Name, address and telephone number of the hauler
- 2) License Number
- 3) Type of septage
- 4) Quantity of septage
- 5) Estimated quality of septage
- 6) Location, date, time and feed rate of discharge to the sewerage system
- 7) Source of Septage
- 8) Name and address of septage generator
- 9) Other information as required by the **District**.

SEPTAGE DISPOSAL. No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the **District** without written approval of the **District**.

4.09 INDUSTRIAL AND SEPTAGE DISCHARGES:

If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in Section 6.03(C) and which, in the judgment of the **District** may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the **District** may:

- 1) Reject the wastes.
- 2) Require pretreatment to an acceptable condition for discharge to the public sewers.
- 3) Require a control over the quantities and rate of discharge.
- 4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section IV(C).

4.10 WASTE SAMPLING:

(1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry or the licensed disposer as often as may be deemed necessary by the **District**.

(2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the **District**.

(3) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the **District**. Access to sampling locations shall be granted to the **District** or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(4) All measurements, tests, and analyses of the characteristics of waters, wastes and septage to which reference is made in this Ordinance 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," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the **District**.

SECTION 5.00 SEWER USER CHARGE SYSTEM

5.01 It shall be the policy of the **District** to obtain sufficient revenues to pay the cost of (a) the annual debt retirement payment on any bonded indebtedness, (b) any required cash reserve account payment, and (c) operation and maintenance of the sewage works, including 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 sewage works during the service life for which such works were designed and constructed, through ~ system of user charges as defined in this Section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.

5.02 All sewer users shall be classified by the Utility as (a) residential/commercial (domestic strength), or (b) industrial customers.

5.03 User charges shall consist of (a) a minimum quarterly billing, on the basis of User Charge Factors, and (b) a unit price based on the average volume of water utilized for that size of customer. The minimum quarterly billing shall be sufficient to pay the annual debt retirement and FmHA Reserve Account costs. A portion of the debt service and Reserve Account may be budgeted by levying an ad-valorem tax in accordance with State Statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, of the sewage works. Users will be notified annually of the portion of user charges or ad-valorem taxes attributable to wastewater treatment services.

5.04 The methodology of determining the user charges is given in Appendix B. The utility shall provide the initial estimates of number of U.C.E. costs, etc., to calculate the first year's user charges.

The user charges, and this ordinance, shall be reviewed not less than biannually. Such review shall be performed by the **Commission**. User charges shall be adjusted, as required, to reflect actual number and size of users and actual costs.

5.05 SEWER RATES:

A. There shall be charged to each user of the sewer system a sewer charge, **to be enacted by the Commission in a subsequent ordinance, substantially in the following form:**

1. A charge based on the following schedule:
Residential and other users
(equal to one U.C.E.)

\$ _____ qtr.

List other Users:

\$ _____ qtr.

\$ _____ qtr.

\$ _____ qtr.

6. All charges for sewerage service shall be made quarterly and shall be payable on the first day of January, April, July, and October in each year. A three percent (3%) penalty will be added to those bills not paid on or before the 20th day after the due date of the bill with a thirty cent (\$.30) minimum penalty charge. A failure to receive a bill shall not excuse nonpayment. Sewerage service charges shall be a lien on the property served in

accordance with Section 66.076 (7) of the Wisconsin Statutes.

5.06 Excess revenues collected from a user class will be applied to the operation, maintenance, and replacement costs attributable to that class for the next year.

5.07 The User Charge System takes precedence over pre—existing agreements inconsistent with the governing regulations of the Wisconsin Fund Grant Program.

SECTION 6.00 MISCELLANEOUS RULES AND REGULATIONS

6.01 MANDATORY HOOKUP:

A. The owner of each parcel of land adjacent to a sewer main on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within **forty-five (45)** days of notice in writing from the **District**. Upon failure to so do the **District** may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written opinion with the **District** Secretary stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of **twelve (12%)** percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

B. In lieu of the above the **District** at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system in an amount of **two times the charges which would otherwise apply**, per month for each residential unit equivalent payable quarterly, for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

C. This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said **District** and fails to assure preservation of public health, comfort, and safety of said **District**.

6.02 MAINTENANCE OF SERVICES:

A. The utility shall maintain sewer service within the limits of the **District** from the street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

6. When any sewer service is to be re-laid 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.

6.03 PENALTY FOR IMPROPER USE:

A. It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the **District**, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.

B. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over normal domestic sewage as defined in the rate ordinance subsequently adopted by the Commission: a surcharge shall be based on the excess of BOD or suspended solids at a rate set in such ordinance. The **District** reserves the right to test the sewage at any point within the connection system of the user or consumer. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased OSM or replacement costs caused by the toxic pollutants.

C. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

1. Any storm water, surface water, ground water, roof run-off or surface drainage.
2. Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
3. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
4. Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
5. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
6. Any noxious or malodorous gas or substance capable of creating a public nuisance.
7. Any garbage that has not been properly shredded.
8. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
9. Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
10. Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

6.04 DAMAGE RECOVERY:

- A. In addition to any other penalty provided by this Ordinance or other law, the **District** shall have the right of recovery from any responsible persons of any expense incurred by the **District** for penalties imposed on the **District** due to a violation of this Ordinance or other law, correction of conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.

6.05 PENALTIES:

A. Any person who shall violate any of the provisions of this ordinance or rules or regulations of the District; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution. This, however, shall not bar the District from enforcing the connection duties set out in Section 6.01 for mandatory hookup.

6.06 SEPTIC TANKS PROHIBITED:

A. The maintenance and use of septic tanks and other private sewage disposal systems within the area of the District serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after the forty-fifth day after the first notice under 6.01 A., above, is given to any owners within the district, the use of septic tanks or any private sewage disposal system within the area of the District serviced by the sewerage system shall be prohibited.

6.07 VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE:

Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

6.08 CHARGES ARE A LIEN ON PROPERTY:

All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October and any year, shall be certified to the Town of Cable Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

6.09 UNIT OF SERVICE DEFINITION:

A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses; thus houses and apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.

When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the District may set a separate rate for such complex.

6.10 ADOPTION OF OTHER RULES:

There are hereby adopted the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations; and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the District. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

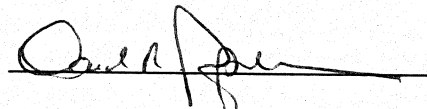
6.11 SEVERABILITY:

If any section, subsection, sentence, clause, or phrase of the ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The District hereby declares that it

would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional. Any specific reference to any statute or administrative rule contained herein shall be interpreted to apply equally to any subsequent statute or rule issued by the same entity, or any other entity succeeding to the same subject matter jurisdiction, upon the same or substantially same subject.

Adopted at a regular meeting of the District Commission at Cable, Wisconsin,

this Fifth day of March, 2002


(President/Mayor)

SEAL

of Town Sanitary Dist. #1, Town of Cable

ATTESTED:

15/ - Caroline J. Ludwig
Clerk/Secretary

Form Fml-4A WI—1942—52
(Rev. 10—09—89)
(Without Water Meters)
Appendix B

COPY

Drafted by
Attorney Gary E. Sherman, SBW # 1015783
Fairview Law Office
8995 Okerstrom Steet, P. O. Box 157
Port Wing, Wisconsin 54865
715 774 3693, or e-mail: gsherman@cheqnet.net

APPENDIX B

Methodology for Determining User Charges

Revised 10/09/89

The methodology to be utilized by the **District** Treasurer in determining the minimum quarterly billing per customer for sewer use, as well as the variable, unit price cost for sewer use **shall follow the methodology described below; however, the actual amounts shall be determined in an ordinance to be adopted by the Commission subsequent hereto.** The user charges should be reviewed and updated no less than biennially. However, if the sewer use charges are to be revised more often (i.e. annually or quarterly), the same methodology can be utilized at any time. It should be noted that the values given in this Appendix are for example purposes only. It will be necessary for the **District** Treasurer to utilize the actual values, as determined by the final project audit, for (a) debt retirement, and (b) Farmers Home Administration (FmHA) reserve account requirement, (c) operation and maintenance costs, (d) replacement costs, and (e) number of customers, each time the sewer use costs are determined. While the debt retirement, reserve account, and replacement amounts should remain constant, the other costs and number of customers may vary considerably at each review.

Revised 10—09—89

2B

Methodology for Determining Sewer Use Charges
No Industrial Cost Recovery Required

Minimum Quarterly Billing

The _____ (Borrower) has received loan moneys from the Farmers Home Administration, U.S. Department of Agriculture (FmHA) for construction of the sewage works in the amount of \$ _____. The borrower is obligated to repay this loan at percent interest over a _____ year term.

The annual debt retirement payment on the amount borrowed is approximately \$ _____. In addition, FmHA requires that the borrower maintain a "reserve account" such that one annual debt payment would be available to the borrower after a period of 10 years. Consequently, an additional fixed cost of \$ _____ must be placed into the "reserve account" by the borrower each year for the next ten (10) years. These costs must be paid by the borrower sewer system users each year, regardless of the volume or strength of sewage collected, transported, and treated. -

The amount of FmHA loan has been allocated between those users which can benefit from the FmHA grant and those which are not eligible to benefit from it. The FmHA loan attributable to the benefited user is \$ _____. Their annual debt retirement is approximately \$ _____. The FmHA loan attributable to the non-benefited user is \$ _____. Their annual debt retirement is approximately \$ _____.

The benefited users are classified as all residential users and those other users which would use a residential size water service. The non-benefited users are those which would need a 1—inch or larger water meter.

The sewage works has generally been designed on the basis of flow, but there is no water utility with water meters that are generally sized on the basis of the volume of water consumed. Therefore, minimum quarterly charges will be based on a system of unit equivalents. A system of "Unit Charge Equivalents (UCE)" is presented in the Table 1 as the first step in determining minimum quarterly charges.

TABLE 1

UNIT DETERMINATION *

Definition: One Unit = One Residential Home = Three people 210 gallons per day (Average of 50,000 gallons per household per year)

Classification	Unit Value	No of Users	No. of UCE Per Class
1. Single Resident	One Unit	_____	_____
2. Duplex	Two Units	_____	_____
3. Apartments	One Unit per Apartment	_____	_____
4. General Business	One Unit per 25 Employee	_____	_____
5. Shopping Center/ Supermarket	One Unit per 4,000 sq. ft. of floor space	_____	_____
6. Motel With Laundry	One Unit = $\frac{\text{Bed Space} \times \% \text{ of occupancy}}{6}$	_____	_____
Motel Without Laundry	One Unit = $\frac{\text{Bed Space} \times \% \text{ of occupancy}}{8}$	_____	_____
7. Bowling Alley with Bar	0.50 Units Per Alley	_____	_____
8. Service Station or Garage	One Unit	_____	_____
9. Country Club	One Unit per 25 Members	_____	_____
10. School		_____	_____
(A) With Meals Served	One Unit per 15 Students	_____	_____
(B) With Meals & Showers	One Unit per 12 Students	_____	_____
11. Churches	One Unit	_____	_____
12. Tavern	One Unit per 40 seats	_____	_____
13. Restaurants		_____	_____
(A) Standard Restaurant	One Unit = $\frac{\text{Seating Capacity}}{13}$	_____	_____
(B) Drive-in or Short Order	One Unit = $\frac{\text{Seating Capacity}}{45}$	_____	_____
(C) Restaurant with One Bar	One Unit = $\frac{\text{Seating Capacity}}{10}$	_____	_____
(D) Restaurant with Two Bars	One Unit = $\frac{\text{Seating Capacity}}{8}$	_____	_____
(E) Restaurant with Three Bars	One Unit = $\frac{\text{Seating Capacity}}{7}$	_____	_____
14. Other Cases to be determined by _____			

No Classification Will Receive Less Than One Unit.

TOTALS _____

*Water Meters should be considered for unusual or large users, i.e., schools, laundromats, supper clubs, etc.

*The above suggested equivalents can be changed to fit the situation in each community.

The minimum quarterly charge for each classification of customer can be determined as follows.

A.	Residential size users	(Benefited	Users)
1.	Annual	Fixed	Cost
	Annual Debt Retirement Cost	\$ _____	
	Annual Reserve Fund Cost	\$ _____	
	TOTAL	\$ _____	
2.	Quarterly Minimum Cost	$\frac{\$ \text{_____}}{4} = \$ \text{_____}$	
3.	Minimum Quarterly Cost per User Charge Equivalents	$\frac{\$ \text{_____}}{\text{UCE}} = \$ \text{_____}$	
B.	Large Size Users (Non—Benefited users)		
1.	Annual Fixed Cost	\$ _____	
	Annual Debt Retirement Cost	\$ _____	
	Annual Reserve Fund Cost	\$ _____	
	TOTAL	\$ _____	
2.	Quarterly Minimum Cost	$\frac{\$ \text{_____}}{4} = \$ \text{_____}$	
2.	Minimum Quarterly Cost per User Charge Equivalent	$\frac{\$ \text{_____}}{\text{UCE}} = \$ \text{_____}$	

SUPPLEMENTAL INSTRUCTIONS
FORM-WI 1942—52
(Revised 10—09—89)

Appendix A

Page 2A, Table 1 — The number of user charge factors for large users should be figured for each user individually. We suggest each 50,000 gallons of water used per year as being one user charge factor.

Appendix B

Page 28, Table 1 — The definition given of a home with three people using 210 gallons per day will equal the theoretical design amount usually used of 70 gpcd. This will vary in actual use to an amount as low as 45 gpcd.

The unit values for the classes of users listed is to be used as a guide. If the village and engineer feel they should be revised to better fit the situation in a particular community, they may do so. For users which are large (those exceeding 5—10 UCE) we recommend consideration of installing a water meter on the private well to measure usage. The meter would be an eligible cost for FmHA funding.

Variable Quarterly Billing
(Unit Price Per Volume)

The cost to operate and maintain the sewage works will be paid by the users of the system on the basis of water utilized by such customers, as defined in Section 5.00 of the ordinance. As noted therein, operation and maintenance costs are defined, per the requirements of the Wisconsin Department of Natural Resources Wisconsin Fund Grant Program, to include Replacement costs. That is, a separate fund must be established in which moneys will be accumulated to pay the cost "...for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance (of the sewage works) during (its) service life..." The method of determining the replacement costs is to utilize the installed cost of these facilities, excluding the cost for technical, legal, administrative and other fees since such costs will generally not be required when the item is replaced, and to assign a service life to such facilities in order to estimate when replacement will be required. A "sinking fund factor", at eight percent, is then utilized to determine the amount of money to be collected per year for replacement. It is anticipated that such funds will be invested by the _____ in an interest bearing account until required. The replacement costs are shown in Table 2.

While the replacement costs given in Table 2 are fixed and must be collected from the users each year, the cost to operate and maintain the sewage works will most probably vary from year to year. For purposes of illustrating the method of determining the sewer use cost on a unit price per volume of water utilized basis, it is assumed that the annual operation and maintenance cost is determined by the _____ utility to be \$ _____. As noted in Table 2, the annual cost for replacement (rounded off) is \$ _____

TABLE 2

1. Annual Cost of operation and Maintenance, Including Replacement
(i.e. \$ _____ + \$ _____) = \$ _____
2. Quarterly Cost \$ _____ = \$ _____
- 4
3. Total number of Unit Charge Equivalents = \$ _____
4. Sewer Use Charge Total _____ = \$ _____/UCE/quarter
(line 2 divided by line 3) (UCE)

To illustrate the cost to various classes of customers, assume the following UCE sizes for the customers as shown.

Type of User	Number of Unit Charge Equivalents	Minimum Quarterly Charge	Cost for O.M. & R. Cost per U.C.E.	Quarterly Total Bill
Residential	1 R.U.E	\$ _____	+	\$ _____ = \$ _____
Tavern	___ R.U.E.	\$ _____	+	\$ _____ = \$ _____

TABLE 2
Determination of Replacement Costs

Equipment, Accessories of Appurtenances	Installed Cost	Service Life	Sinking Factor (8%)	Fund Annual Cost
---	----------------	--------------	---------------------	------------------

TOTAL ANNUAL COST

TABLE 1

UNIT DETERMINATION *

Definition: One Unit = One Residential Home = Three people 210 gallons per day (Average of 50,000 gallons per household per year)

Classification	Unit Value	No of Users	No. of UCE Per Class
1. Single Resident	One Unit	<u>102</u>	<u> </u>
2. Duplex	Two Units	<u> </u>	<u> </u>
3. Apartments	One Unit per Apartment	<u>22</u>	<u> </u>
4. General Business	One Unit per 25 Employee	<u> </u>	<u> </u>
5. Shopping Center/ Supermarket	One Unit per 4,000 sq. ft. of floor space	<u> </u>	<u> </u>
6. Motel With Laundry	One Unit = $\frac{\text{Bed Space} \times \% \text{ of occupancy}}{6}$	<u> </u>	<u> </u>
Motel Without Laundry	One Unit = $\frac{\text{Bed Space} \times \% \text{ of occupancy}}{8}$	<u>3</u>	<u> </u>
7. Bowling Alley with Bar	0.50 Units Per Alley	<u>1</u>	<u> </u>
8. Service Station or Garage	One Unit	<u> </u>	<u> </u>
9. Country Club	One Unit per 25 Members	<u> </u>	<u> </u>
10. School			
(A) With Meals Served	One Unit per 15 Students	<u> </u>	<u> </u>
(B) With Meals & Showers	One Unit per 12 Students	<u> </u>	<u> </u>
11. Churches	One Unit	<u> </u>	<u> </u>
12. Tavern	One Unit per 40 seats	<u> </u>	<u> </u>
13. Restaurants			
(A) Standard Restaurant	One Unit = $\frac{\text{Seating Capacity}}{13}$	<u> </u>	<u> </u>
(B) Drive-in or Short Order	One Unit = $\frac{\text{Seating Capacity}}{45}$	<u> </u>	<u> </u>
(C) Restaurant with One Bar	One Unit = $\frac{\text{Seating Capacity}}{10}$	<u> </u>	<u> </u>
(D) Restaurant with Two Bars	One Unit = $\frac{\text{Seating Capacity}}{8}$	<u> </u>	<u> </u>
(E) Restaurant with Three Bars	One Unit = $\frac{\text{Seating Capacity}}{7}$	<u> </u>	<u> </u>
14. Other Cases to be determined by _____			

No Classification Will Receive Less Than One Unit.

TOTALS

*Water Meters should be considered for unusual or large users, i.e., schools, laundromats, supper clubs, etc.

*The above suggested equivalents can be changed to fit the situation in each community.

TOWN SANITARY DISTRICT NO. 1 OF THE TOWN OF CABLE
ORDINANCE NO. 2004-1

An ordinance of the Town Sanitary District No. 1 of the Town of Cable, of Bayfield County, Wisconsin, (hereinafter "district") amending ordinance No. 2002-01, (hereinafter "ordinance").

The district does hereby ordain as follows:

Section 5.05 Sewer Rates and Section 5.05A(1) of the ordinance are repealed and are replaced with the following provisions:

5.05 Sewer Rates

A. There shall be charged to each user of the sewer system a sewer charge determined as follows:

1. Monthly User Charges shall be determined by multiplying the base rate by the applicable unit value. The monthly base rate shall be \$39 per month (\$117 per quarter) per UCE (or REU). The connection fee shall be \$2,300 for the first UCE and \$1,300 for each additional UCE on a single connection.
2. For the purpose of rate determination in multiple use buildings, each area of distinctly different use shall be considered a separate user.
3. No connection will receive less than one unit; all units will be rounded up to the nearest ½ unit.
4. One unit = One residential Home = Three people = Average of 50,000 gallons per year.
5. Unit Equivalency for purpose of determining user rates.

	<u>Classification</u>	<u>Unit Value</u>
a.	Single Residence	1 unit
b.	Duplex/Apartment/ Condo	1 unit per apartment or separate living space.
c.	General Business/ Office	1 unit per 2,500 sq. ft., no less than ½ unit per separate space in multi-occupant buildings.
d.	Retail Business	1 unit per 4,000 sq. ft. retail floor space, no less than ½ unit per separate space

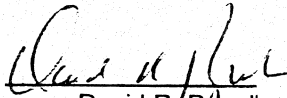
e.	Motel without Laundry	1 unit per 4 rooms
	with Laundry	1 unit per 3 rooms
f.	Service Station or Garage	1 unit
g.	Church	1 1/2 units
h.	School	1 unit per 15 students
	with Showers	1 unit per 12 students
i.	Country Club	1 unit per 25 members
j.	Bowling Alley	1/2 unit per alley
k.	Tavern	1 unit per 20 seats
l.	Restaurant	
	Short order/ Drive in	1 unit per 25 seats
	Standard	1 unit per 13 seats
	with Bar	1 unit per 10 seats
m.	Large User	
	(Laundromat, Car Wash, Manufacturing, etc.)	
	Water Meter Required	1 unit per 5,000 gallons of water used

n.

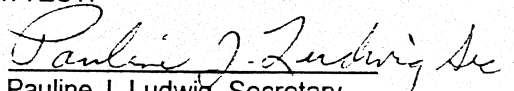
Unit equivalences for other classification shall be determined by district based on average water use.

Adopted by the Town Sanitary District No. 1 of the Town of Cable at a regular monthly meeting held at Cable, Wisconsin on March 4, 2004.

Town Sanitary District No. 1
of the Town of Cable


David R. Popelka
President

ATTEST:


Pauline J. Ludwig, Secretary