

CHAPTER 13

MUNICIPAL UTILITIES

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I. RACINE WATER UTILITY

13.01 RETAIL WATER SERVICE PROVIDED BY CITY OF RACINE

(1) **Definitions.**

For purposes of this section, the following words and phrases have the meaning specified.

- (a) "City" means the City of Racine, Wisconsin.
- (b) "Developer" means any person other than the Village causing work to be done that requires installation of, construction of or changes to the Local Water Facilities.
- (c) "Local Water Facilities" means water mains that are designed to provide for local water distribution and all related appurtenances and equipment, including, without limitation, fire hydrants, valves, pump stations and water services in the Village service area which facilities are owned, operated and maintained by the Racine Utility.
- (d) "Racine Utility" means the Water Utility owned by and a department of the City.
- (e) "Racine Water System" means the water system facilities owned and operated by the Racine Utility.
- (f) "Village Service Area" means the geographical area within the municipal borders of the Village of Sturtevant.

(2) **Applicability.**

Section 13.01 shall only apply to the Village of Sturtevant service area as defined in 13.01 (1)(f)

(3) **Requirements; Prohibitions.**

- (a) No person shall make a new service connection to the Racine Water System or expand a building or change the use of a building or real property in the Racine Water System's retail service area to the Village without first filing with the Village an application for the necessary permits and approvals and submitting the information required to determine the applicability and amount of the connection charge that the Village is required by agreement to pay to the City of Racine. Such information shall be submitted to the

Village on forms provided by the Village and shall include, without limitation, the number of bedrooms for each multi-family residential unit and, for all non-residential uses, the SIC codes for all uses and the maximum potential employee hours for a peak day of operations.

- (b) No person shall make a service connection to the Racine Water System in such retail service area without first receiving from the Village a written permit or written approval therefor.
- (c) No person shall be authorized by the Village to make a retail water service connection to the Racine Water System for any person or property outside of the Village Service Area, except as otherwise provided for by agreement between the Village and the City\Racine Utility.
- (d) No person shall make a service connection to the Racine Water System for any person or for any property outside the Village Retail Service Area, except as otherwise provided by agreement between the Village and the City\Racine Utility.
- (e) No single water user shall use water from the Racine Water System to the extent that the user's average daily water use exceeds 9,000 gallons per day per acre of the user's contiguous land that is served by the Racine Water System without first having made and duly satisfied any special arrangements or complied with any special requirements specified by the Racine Utility after review of the situation by the Racine Utility.
- (f) No person shall construct or install in the Racine Water System's retail service area to the Village a water main that is less than 12 inches in diameter that is intended to serve multi-family residential, commercial, industrial, institutional or other non-residential or non-rural land uses; or a water main that is less than eight inches in diameter that is intended to serve single-family or duplex residential or rural land uses that are not multi-family residential, commercial, industrial or institutional in nature, or a new water main that is less than eight inches in diameter that will be part of the Local Water Facilities.
- (g) No person shall commence construction or installation of Local Water Facilities in the Racine Water System retail service area of the Village without first having received from the Racine Utility written approval of the size and location of all Local Water Facilities, and written approval of all plans and specifications for such facilities. The Racine Utility shall complete its review of plans and specifications for Local Water Facilities within 45 days after receiving them.

- (h) All Local Water Facilities in the Racine Water System retail service area to the Village shall be constructed and installed in accordance with plans and specifications prepared and sealed by a Wisconsin registered professional engineer and shall satisfy all applicable standards of the City and/or Racine Utility for water mains and other water facilities to be constructed or installed in the City, and in compliance with all of the rules and regulations imposed by the City and/or Racine Utility with respect to installation and construction standards of water mains and related equipment and appurtenances.
- (i) No person retained by the Village or by a Developer shall perform work on Local Water Facilities in the Racine Water System retail service area to the Village without having made, in advance, arrangements with the Racine Utility for construction review of the construction or installation of all Local Water Facilities. The Village or the Developer, whichever is having the work performed, shall, within 30 days after receipt of an invoice from the Racine Utility, reimburse the Racine Utility for the cost of construction review of the construction or installation of the Local Water Facilities, for which purpose the Racine Utility may retain construction review personnel.
- (j) No person that has not been pre-approved to construct and install water facilities in the City shall construct or install Local Water Facilities in the Racine Water System retail service area to the Village. The Village or the Developer shall submit to the Racine Utility the names and addresses of all contractors and subcontractors that will be used in connection with a Local Water Facilities project in such area, including a description of their respective roles in such project, and shall not commence construction or installation on any such project until the Racine Utility approves the project in writing.
- (k) The Village or the Developer, whichever is having the work performed, shall be responsible for paying all costs and fees incurred in connection with the provision of Local Water Facilities, including, without limitation, site or easement acquisition, project review, construction review, engineering, construction, legal services and permitting.
- (l) The Village or the Developer, whichever is having the work performed in the Racine Water System retail service area to the Village, shall obtain all authorizations, permits or approvals required for the construction or installation of any Local Water Facilities and all easements or other interests in real property required to construct, install, maintain, repair and replace any such facilities, and shall be responsible for paying all related costs. All such easements, authorizations, permits and approvals shall be

subject to review and approval as to form and content by the Racine Utility in conjunction with the Racine Utility's review of plans and specifications for any Local Water Facilities project.

- (m) After completion and testing of each Local Water Facilities project in the Racine Water System retail service area to the Village, and review and approval by the Racine Utility (including preparation and approval of as-built plans for the project), the Village or the Developer, whichever is having the work performed, shall give, grant, dedicate and transfer ownership of the Local Water Facilities to the Racine Utility and shall assign to the Racine Utility any related authorizations, permits and approvals, all free of cost to the Racine Utility or the City and free and clear of any liens or encumbrances that are not accepted in writing by the Racine Utility, and shall assign to the City any related easements or other interests in real property that are required to operate, maintain, repair or replace such facilities, all free of cost to the City and the Racine Utility and free and clear of any encumbrances that are not accepted in writing by the Racine Utility. Upon written notice from the Racine Utility to the Village of its acceptance of such Local Water Facilities, the Racine Utility shall own and be responsible for the repair and maintenance of such Local Water Facilities, except when repair or maintenance is required because of acts, omissions or failures to act of the Village, the Developer or its or their employees, agents or contractors, or their subcontractors.
- (n) All local Water Facilities dedicated and transferred to the Racine Utility shall be warranted by the Village and the Village's contractor or by the Developer and the Developer's contractor, whichever is having the work performed and whichever performed the work, to be free of defects or insufficiencies in design, construction or materials for a period of one year from and after the Racine Utility's acceptance in writing of the dedication and transfer of such facilities. The Developer shall provide to the Racine Utility a letter of credit or other form of security satisfactory to the Racine Utility, in an amount of ten percent (10%) of the total project cost, the form of which is approved by the Racine Utility, to secure such warranty.
- (o) No connection to Local Water Facilities project in the Racine Water System retail service area to the Village shall be permitted by the Village until after the dedication and transfer of the Local Water Facilities to the Racine Utility has been accepted in writing by the Racine Utility, with a copy provided to the Village, such facilities have become part of the Racine Water System, and a water meter has been installed by the Racine Utility for each such connection.

- (p) No work on any Local Water Facilities project in the Racine Water System retail service area to the Village shall commence until there has been full compliance with all of the requirements of this section.
- (q) The requirements of this section shall be provided for in a written Agreement binding upon the Village and the Village's contractor, or upon the Developer and the Developer's contractor, whichever is having the work performed as between the Village and the Developer, which Agreement shall be enforceable by the City or the Racine Utility and which must be approved by the Racine Utility prior to commencement of construction or installation.
- (r) Penalty. Upon conviction, any person found to be in violation of this section shall forfeit an amount of not less than \$50 nor more than \$500. Each day that a violation continues shall be considered a separate offense.

(4) **Water Meters.**

(a) **Disconnecting or removing water meters.**

No person shall disconnect or remove any water meter from the place where such meter is connected to the Racine Water System without first obtaining written consent from the Racine Water Utility ("Racine Utility").

(b) **Industrial buildings--Remote metering.**

1. No retail water service to an industrial building in the Racine Water System retail service area to the Village first being served on or after January 1, 2007 or to any such building that is remodeled or rehabilitated so as to require changes to the water service on or after January 1, 2007 shall be initiated or maintained without installation, operation and maintenance of authorized automatic meter reading (AMR) equipment and a telephone line for the purpose of monitoring all water metering equipment for the building.
2. The Racine Utility shall not install a water meter for an industrial building covered by this section until the owner or other responsible party ("owner") complies with this section. If the owner fails to maintain the monitoring system, the Utility may take appropriate action to terminate the water service.

(5) **Water Conservation**(a) **Declaration of emergency.**

The Racine mayor and, in his/her absence, the president of the Racine Waterworks Commission, is authorized, empowered and directed to declare the existence of an emergency relating to the Racine Water System's available water supply and to impose restrictions on the use of water during the emergency, following consultation with the Village President.

(b) **Imposition and notice of restrictions during emergency.**

Whenever the Racine mayor or, in his/her absence, the president of the Racine Waterworks Commission or designee, has declared the existence of an emergency and imposed reasonable restrictions on the use of water and reasonable notice of such emergency and restrictions has been to the general public, such restrictions shall be in full force and effect in the Village. The violation or failure to observe any restriction so imposed shall constitute a violation of this section 13.01.

(c) **Penalty for violation.**

Upon conviction, any person violating any restriction on the use of water imposed pursuant to section 13.01 shall be subject to a forfeiture of not less than \$50 nor more than \$500. Each day of violation constitutes a separate offense.

(6) **Penalties for nonpayment of invoice; notice.**

(a) Delinquent charges. All general service-urban, general service-suburban and private fire protection service customers shall pay invoices of the Racine Utility for such services within 15 days from the date of such invoices; all such customers who fail to pay such invoices within such 15-day period shall pay a penalty as authorized in the latest Wisconsin Public Service Commission ("PSC") rate case. The Racine Utility is authorized to shut off water service upon three days' written notice to the water customer for failure to pay the water invoice within 20 days from the date of the invoicing; the Racine Utility is further authorized to charge a service fee as authorized in the latest PSC rate case for turning on water; all as authorized by the orders of the PSC.

(b) Notice of delinquency. The Racine Utility will give notice not later than October 15 of each year to the owner or occupant of each lot or parcel of

real estate in the Village to which the Racine Utility has furnished retail water service prior to October 1 of that year for which payment is owing and in arrears at the time of giving the notice. The notice shall state the amount in arrears, including any penalty assessed pursuant to the rules of the Racine Utility; and that unless the amount is paid by November 1 a penalty of 10% of such amount will be added; and that unless the amount in arrears and any added penalty are paid by November 15, the amount in arrears and any added penalty will be levied as a tax against the lot or parcel of real estate to which retail water service was furnished and for which payment is delinquent.

- (c) Certificate of delinquency. On November 16, or as soon thereafter as is practicable, the Racine Utility shall certify and file with the Village Clerk a list of all lots or parcels of real estate (giving the Property Identification Number (PIN) of each) for which notice of arrears and any added penalty was given and with respect to which an amount in arrears and/or any added penalty remain unpaid, stating the amount of arrears and added penalty. The Village Clerk shall insert the total delinquent amount including any added penalty as a tax against the lot or parcel of real estate. The Village shall thereafter take reasonable actions to collect the delinquent amounts, including penalties. Upon collection of any delinquent amounts, including penalties, the Village shall promptly pay such amounts to the Racine Utility. The Village hereby adopts as a part of this section, Wis. Stat. §66.0809(3), as though the Racine Utility were a utility operated by the Village, for the purpose of carrying out the provisions of this section, and the Utility is hereby authorized to give the notice of delinquency.

(7) **Access to Property.**

The Village authorizes City of Racine agents, contractors and employees to enter upon private property for the purpose of installing water meters, reading and maintaining water meters, inspecting water meters, inspecting water connections and any other purposes that are associated with the City's discharge of its responsibilities in providing water service to the Village, to the fullest extent authorized by law. The Village shall fully cooperate, to the extent legally possible, with the City and/or Racine Utility in obtaining any necessary special inspection warrants under Wis. Stat. §66.0119.

(8) **Fire Hydrants.**

- (a) No person shall tamper with, damage or destroy a fire hydrant within the Village or use a fire hydrant within the Village except governmental officials or employees in the course of their official duties.

- (b) No person, except governmental officials or governmental employees in the course of their official duties or other persons with prior written authorization from the Village or from the Racine Water Utility, shall intentionally release water from or take water from fire hydrants in the Village.

(9) Water Connection Charge

- (a) **Definitions.** For purposes of this division, the following phrases have the meaning stated:

“Connection Charge” means a charge paid for each new service connection made to the Racine water system and for each building expansion or change of use resulting in additional water demand at an existing connection, to the extent of such additional demand, when such connections or changes occur within the Village.

“Residential Equivalent Connection (REC)” means the measure of annual water usage expressed in terms of the amount of water used by a typical single-family residence, which shall initially be deemed to be 72,000 gallons per year. The REC may be adjusted as appropriate in light of ongoing experience, but only in connection with an adjustment in the amount of the connection charge per REC.

- (b) **Purpose.** The purpose of the connection charge is to allow the Racine Utility to recover future growth cost of regional water facilities, including the difference between the future growth cost of future growth mains and the contract front-foot charges paid with respect to such mains.
- (c) Residential equivalent connection tables.

The following tables shall be used to determine the RECs to be used from the Racine Water System:

- (1) Residential Users.

Users	REC
Condominium	1.00
Single – family home	1.00
Duplex	1.5/unit
Multiple-family	0.75/unit

(2) Non-residential users.

SIC Code	Description	Gallons per Employee Hour
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1446	Industrial sand	5.0
1521	General contractors - Residential	2.3
1541	General contractors - Industrial buildings and warehouses	2.3
1611	General contractors - Public works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors, N.E.C.	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups, N.E.C.	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2789	Book binding and related work	10.0
2795	Lithographic platemaking and related services	25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations, N.E.C.	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0

3462	Iron and steel forging	5.0
3469	Metal stampings, N.E.C.	5.0
3471	Electroplating, plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services, N.E.C.	100.0
3495	Wire springs	2.3
3498	Fabricated pipe and fittings	2.3
3499	Fabricated metal products, N.E.C.	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery and equipment, N.E.C.	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical, N.E.C.	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
3714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries, N.E.C.	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware - Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products, N.E.C.	10.0
5199	Wholesale nondurable goods, N.E.C.	10.0

5211	Lumber and other building materials dealers	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware - Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries - Baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0
5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-59	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5
		REC/Unit

7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7261	Funeral service and crematories	15.0
7299	Miscellaneous services, N.E.C.	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photo finishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Top and body repair shop	5.0
7534	Tire retreading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services, N.E.C.	2.3
7832	Motion picture theaters, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0
8231	Libraries and information centers	20.0
8249	Vocational schools, N.E.C.	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0

8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations, N.E.C.	2.3
38911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government, N.E.C.	2.3
38911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government, N.E.C.	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
9999	All offices, N.E.C.	2.3

The minimum number of RECs for any account, residential or non-residential, shall not be less than 1.00 REC. Upon completion of the REC computations, the number of RECs for each account will be rounded up to the nearest whole number of RECs.

(10) Connection charges.

- (a) Established. Except as otherwise provided, a connection charge is hereby established for each new service connection to the Racine Water System and for each change of use or for the addition of a new use or for a new or expanded building on a lot or parcel already connected to the Racine Water System at the time of application. The connection charge shall be based upon the user's potential required use of the water supply system.
- (b) Amount. As of February 2007, the connection charge for each REC shall be \$3,143. The amount of the connection charge shall be adjusted annually as of February 1 of each year by the percentage change in the annual average (20-city prices) Construction Cost Index (as published by the Engineering News Record). The city/Racine Utility shall also adjust the connection charge, as needed, using a rolling 10-year capital improvement plan and a rolling recovery period that extends 10 years beyond the 10-year capital improvement plan, and shall also adjust the connection charge pursuant to contract provisions. The charge shall be implemented as follows:
1. The municipality shall obtain and, if extraterritorial, provide to the city/Racine Utility reliable information from each applicant for a connection to the Racine Water System, before approving the connection, relating to the specific proposed use(s) of the property,

in terms of the SIC Codes, if applicable, and the maximum employee hours for a peak day of operations.

2. Based on the information provided, the city/Racine Utility shall calculate the number of residential equivalent connections for that property/development using the method set forth in §13.01(9) and shall calculate and impose a connection charge in accordance with §13.01(10). All REC calculations for an account shall be rounded up to the nearest whole REC. A minimum fee based upon 1 REC shall apply to all nonresidential connections.
3. **Connected Properties.** A connection charge for a change of use or the addition of a new use or for a new or expanded building or other facility, after an initial connection charge has been paid by a contracted municipality with respect to the lot or parcel on which such use or facility is located, shall be based on the difference between the projected water usage of the total new or expanded use or facility determined pursuant to this chapter and the actual annual average water usage of the use or facility for which the initial connection charge was paid, if available, or if not, the projected water usage of such prior use or facility determined pursuant to this chapter.
4. A connection charge for a change of use or the addition of a new use or for a new or expanded building or other facility, when no connection charge has previously been paid by the contract municipality with respect to the lot or parcel on which such use or facility is located, shall be based on the difference between the projected water usage of the total new or expanded use or facility determined pursuant to this chapter and the actual annual average water usage of the most recent prior use or facility, if available, and if not, the projected water usage of such prior use or facility determined pursuant to this chapter.
5. Based upon the information obtained under subparagraph 3. the city/Racine Utility shall recalculate the number of Residential Equivalent Connections, and may recalculate the charge pursuant to this section and §13.01(9)(c) above. If the recalculated charge exceeds that of the original charge, the difference between the recalculated charge and the amount paid for the original charge shall become due and payable at the time the adjustment is made. There will be no refund notwithstanding the result of the recalculation.

- 6. Since the charge determined under subparagraphs 1. and 2. above is based upon estimated intended usage, the city shall have the right to recalculate the connection charge at any time between the first and third anniversary dates of any connection charge due date, based upon the highest actual recorded usage during any twelve month period since such event.
- (c) Collection of connection charges. Connection charges for properties located in the Village, calculated and due pursuant to this section, shall be paid at the time a plumbing or building permit is issued.
- (d) That in addition to the connection charges set forth herein, the following additional water connection surcharge is hereby imposed and shall be collected at the same time as the connection charge and shall be retained by the Village to cover administrative costs associated with the collection of the connection charges.

Diameter (inches)	Amount
3/4 - 1	\$450.00
1 1/2	\$600.00
2	\$800.00
4	\$1,600.00
6	\$2,400.00
8	\$3,000.00

(11) Recovery For Recalculated Connection Charges.

The Racine Utility and the Village of Sturtevant have entered into an area-wide agreement whereby the Village of Sturtevant has been allocated a certain capacity within the Racine Water System. The agreement allows the Racine Utility the discretion to recalculate connection charges based upon the highest actual recorded usage during any 12-month period. In the event any recalculated charge exceeds the original connection charge paid by the Village, the Racine Utility may provide written notice to the Village and charge the Village for the difference (between the original charge and the recalculated connection charge). In the event the Racine Utility charges the Village for any recalculated connection charges, such costs constitute an additional connection charge pursuant to Section 13.01(10)(a), and commercial and/or industrial users shall reimburse the Village upon demand for said charge.

(12) Payment & Penalty for Recalculated Connection Charges.

A bill for recalculated connection charges shall become due and payable upon receipt. Such recalculated connection charges levied by the Village against the property owner/occupant in accordance with this chapter shall be a debt due to the Village and shall be a lien upon the property. If not paid within 60 days after it shall be due, it shall be deemed delinquent and may be placed on the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes. Any such sewer charge placed onto the tax roll shall be assessed an additional 10% penalty. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

13.02 ABANDONMENT OF WELLS

- (1) **PURPOSE.** To protect public health, safety and welfare, and to prevent contamination of groundwater by assuring that unused, unsafe or noncomplying wells, or wells which may act as conduits for contamination of groundwater, or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (2) **APPLICABILITY.** This ordinance applies to all wells located on premises located within the municipal boundaries of the Village of Sturtevant and served by the City of Racine municipal water system.
- (3) **DEFINITIONS.**
 - (a) “Municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 - (b) “Noncomplying” means a well or pump installation which does not comply with §NR 812.42, Wisconsin Administrative Code, Standards for Existing Installation, and which has not been granted a variance pursuant to §NR 812.43, Wisconsin Administrative Code.
 - (c) “Pump installation” means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (d) “Unsafe” well or pump installation means one which produces water which is bacteriologically contaminated or exceeds the drinking water standards of

§NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

- (e) “Unused” well or pump installation means one which is not used or does not have a functional pumping system.
 - (f) “Well” means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
 - (g) “Well abandonment” means the filling and sealing of a well according to the provisions of §NR 812.26, Wisconsin Administrative Code.
- (4) **ABANDONMENT REQUIRED.** Except as otherwise provided herein, all wells on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance and Chapter NR 812, Wisconsin Administrative Code, by April 1, 1999 or no later than one year from the date of the mandatory connection to the municipal water system pursuant to Section 13.06 of this Code, whichever date occurs last. A well on property connected to the municipal water system may be maintained for non-household uses only, provided a well operation permit has been obtained by the well owner from the Village of Sturtevant.
- (5) **WELL OPERATION PERMIT.** The Village of Sturtevant Building Inspector shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may renew a well operation permit by submitting information verifying that the conditions of this section are met. The Village Building Inspector or its agent, may conduct inspections or have water quality tests conducted at the applicant’s expense to obtain or verify information necessary for consideration of a permit application or renewal. Well operation permit applications and renewals shall be made on forms provided by the Building Inspector. The owner shall secure a plumbing permit from the building inspector and pay the appropriate fee. The following conditions must be met for issuance or renewal of a well operation permit:
- (a) The well and pump installation shall meet the Standards for Existing Installations described in §NR 812.42, Wisconsin Administrative Code.
 - (b) The well construction and pump installation shall have a history of producing safe water evidenced by at least 1 coliform bacteria sample. The owner shall provide proof that the well produces safe water, as verified by one (1) certified laboratory test taken within six months of the application for issuance or re-issuance of a permit. In areas where the Department of

Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

- (c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
 - (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the Sturtevant sewer utility.
 - (e) The private well shall have a functional pumping system.
 - (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.
- (6) ABANDONMENT PROCEDURES.
- (a) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of §NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment. Each well abandonment shall require a plumbing permit from the Village building inspector.
 - (b) The owner of the well, or the owner's agent, shall notify the Village building inspector at least 48 hours in advance of commencement of any well abandonment activities. The abandonment of the well may be observed or verified by a representative from the Village Utility or its agent.
 - (c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Plumbing Inspector and the Department of Natural Resources within 30 days of the completion of the well abandonment.
- (7) PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$150.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and may cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

13.03 CROSS CONNECTIONS WITH PUBLIC WATER SYSTEM.

- (1) **DEFINITION.** A cross connection is defined as any physical connection or arrangement between 2 otherwise separate systems, one of which contains potable water from the municipal water system and the other water from a private source, water of unknown or questionable safety or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.
- (2) **CROSS CONNECTIONS PROHIBITED.** No person shall establish or maintain or permit to be established or maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Racine may enter the supply or distribution system of the municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City of Racine Water Works Commission and by the Wisconsin Department of Natural Resources in accordance with NR 811.09, Wis. Adm. Code.
- (3) **INSPECTIONS.** The Racine Utility shall cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the City of Racine Water Works Commission and as approved by the Wisconsin Department of Natural Resources, but in no event shall the frequency of inspection be less than once every ten (10) years. Upon presentation of credentials, Racine Utility employees shall have the right to request entry at any reasonable time to examine any property served by the connection to the public water system of the Racine Utility for cross connections. If entry is refused, such inspector shall obtain a special inspection warrant under §66.0119, Wis. Stats. On request the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (4) **DISCONTINUANCE OF WATER SERVICE.** The Racine Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice. Water services to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.

- (5) EMERGENCY DISCONTINUANCE. If it is determined by the Racine Utility that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, services may be immediately discontinued.
- (6) ADOPTION OF PLUMBING CODE. The Village adopts by reference the State Plumbing Code of Wisconsin being COMM 82, Wisconsin Administrative Code, and any amendments thereto.

II. SEWER UTILITY

13.04 SEWER UTILITY COMMITTEE.

- (1) CREATED. There is hereby created a Sewer Utility Committee consisting of 3 members of the Village Board to be appointed by the Village President.
- (2) POWERS. The committee shall generally have jurisdiction as to all matters relating to the sewer utility of the Village. The Committee shall supervise the operation of the sewer utility. Subject to the approval of the Village Board, the Committee shall appoint a manager or superintendent and such other employees as may be necessary. The compensation, salaries, wages or benefits of all such employees shall be as established by the Village Board. The Committee shall see that all reports or other documents and papers required to be filed with government agencies, including, but not limited to, the Department of Natural Resources, are prepared and filed as required.
- (3) ORGANIZATION. The members of the Committee shall meet and they shall make and adopt rules of procedure and cause books and records of account of the sewer utility to be kept in the manner and form prescribed by the Village's accountants and as required by law. Said books and records shall be open at all times for the inspection of the public during normal working hours.
- (4) SEPARATE FUND. The Village Treasurer, under the direction of the Committee, shall keep a separate account of all moneys or income received from all sewer utility rates or charges collected relating to the sewer system, and the fund thereby created shall be devoted to the expense of maintaining and operating such system. Expenditures from such fund are to be made only upon orders approved by the Village Board. Checks issued against the account of the sewer utility shall be signed by the Clerk and President. A monthly financial report shall be made to the Village Board by the Village Treasurer.

- (5) **BUDGETS.** Annually, on or before November 15 of each year, the Committee shall prepare and submit to the Village Board a proposed budget for the operation of the sewer utility for the ensuing year. Upon approval of the Village Board, the budget shall constitute the budget for the sewer utility for such year. This budget will also be submitted to the residents of the Village at a public hearing.
- (6) **ACCOUNTABILITY.** Annually, the Committee shall cause an audit to be made of the utility and shall submit a report thereof to the Village Board.
- (7) **EXTENSIONS AND EMERGENCY EXPENDITURES.** All extensions to the sewer system shall be made by and under the direction of the Village Board. The Committee shall have the power to authorize emergency repairs subject to ratification by the Village Board. All extensions must be reviewed and approved by the Racine Wastewater Utility and Department of Natural Resources.
- (8) **MAPS.** The Committee shall prepare and keep on file maps showing the location, size and type of all mains of the sanitary sewers, and shall from time to time make such additions or alterations on such maps corresponding to the additions or alterations in the system. One map shall be kept in the office of the Village Clerk.

III. SEWER USE AND WASTEWATER RATE

13.05 DEFINITIONS.

APPROVING AUTHORITY. The Storm & Wastewater Committee of the Village or its authorized deputy, agent or representative.

BOD (denoting Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in “Standard Methods.”

BUILDING DRAIN. 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, beginning 5’ (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection or house lateral.

CATEGORY A. Those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 6 mg/1.

CATEGORY B. Those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/1 of BOD, 250 mg/1 of suspended solids and 6 mg/1 of phosphorus. Users whose wastewater exceeds the concentration for any one of these parameter shall be in Category B.

CHLORINE REQUIREMENT. The amount of chlorine in mg/1 which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

CITY. The City of Racine, Racine County, Wisconsin.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

COMPATIBLE POLLUTANTS. Biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants and, in fact, do remove such pollutants to a substantial degree.

EASEMENT. An acquired legal right for the specified use of land owned by others for wastewater conveyance or treatment.

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 of floatable oil if it is properly pretreated and the wastewater does not adversely interfere with the collection system.

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

GRANTEE. The Village for those projects in which the Village receives federal funding.

GROUND GARBAGE. The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than ½” in any dimension.

INCOMPATIBLE POLLUTANTS. Wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

INDUSTRIAL USER.

- (a) Any nongovernmental, nonresidential user of publicly owned treatment works which discharges more than the equivalent of 25,000 gals. per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, latest edition, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A - Agriculture, Forestry, Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas and Sanitary Services

Division I - Services

1. Grantee may exclude domestic waste or discharges from sanitary conveniences in determining the amount of a user's discharge for purposes of industrial cost recovery.
 2. After applying the sanitary waste exclusion (if the grantee chooses to do so), dischargers in the above division that have a volume exceeding 25,000 gpd or the weight of BOD, suspended solids or phosphorus equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes are the wastes discharged from residential users.
- (b) Any nongovernmental user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works or receiving waters.
- (c) A commercial user of an EPA funded individual system.

INDUSTRIAL WASTE. The wastewater from industrial process, trade or business as distinct from sanitary sewage.

MAJOR CONTRIBUTING INDUSTRY. An industry that:

- (a) Has a flow of 50,000 gals. or more per average workday.

- (b) Has a flow greater than 5% of the flow carried by the wastewater collection and treatment facilities receiving the waste.
- (c) Has a material in its discharge included on a list of toxic pollutants issued pursuant to state statutes.
- (d) Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

MUNICIPALITY. The Village of Sturtevant

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

NORMAL, DOMESTIC STRENGTH WASTEWATER. Wastewater with concentrations of BOD no greater than 200 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 6 mg/1.

OPERATION AND MAINTENANCE COSTS. All costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater and collection and treatment facilities.

PARTS PER MILLION. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

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

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

PHOSPHORUS. Total phosphorus and is expressed in mg/1 of P (phosphorus).

PUBLIC SEWER. Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the wastewater

collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.

SANITARY SEWAGE. A combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.

SANITARY SEWER. 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.

SEWAGE. The spent water of a community. The preferred term is “wastewater.”

SEWER. A pipe or conduit that carries wastewater or drainage water.

SEWERAGE. The facilities used for collection, treatment and disposal of wastewater.

SEWER SERVICE CHARGE. A charge levied on users of the wastewater collection and treatment facilities to recover annual revenues for debt services, replacement costs and operation and maintenance expenses of such facilities. The user charge which covers operation and maintenance and replacement expenses is a part of the sewer service charge.

SHALL. Is mandatory; “MAY” is permissible.

SLUG. 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 15 minutes more than 5 times the average 24 hr. concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

SUSPENDED SOLIDS. 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 “Standard Methods,” and referred to as non-filterable residue.

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.

USER CHARGE. A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

VILLAGE. The Village of Sturtevant, Racine County, Wisconsin.

WASTEWATER. 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 groundwater, surface water and storm water that may be present.

WASTEWATER COLLECTION FACILITIES (or wastewater collection system). The structures and equipment required to collect and carry away domestic and industrial wastewater.

WASTEWATER TREATMENT FACILITY. The city's arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with wastewater treatment plant.

WATERCOURSE. A natural or artificial channel for the passage of water, either continuously or intermittently.

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. A document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the regional wastewater treatment facility. WPDES permit and modifications thereof pertain to the City of Racine wastewater treatment facility.

13.06 RULES AND REGULATIONS.

The following rules and regulations in relation to the operation of the Village Sewer System are hereby adopted and shall be considered a part of the contract with every person who shall make a sewerage connection with such system:

- (1) Pursuant to the "Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement of April 25, 2002," the following provisions of the Racine Sewer Ordinance, as amended, supplemented or recreated from time-to-time, are incorporated herein by reference:

Sections 98-3 through 98-4
Sections 98-114 through 98-115
Sections 98-124 through 98-137

Subsections 98-143(4) and (5)
Sections 98-150 through 152

References in such provisions to the “wastewater utility” or the “utility”, or to the “general manager” or the “manager” or to the “board of standards” or to the “board”, or to the “wastewater commission” or the “commission”, or to the “common council” or to the “council,” or to the “city” are references, respectively, to the Racine Wastewater Utility, or to its General Manager, or to the Racine Board of Standards, or to the Wastewater Commission, or to the Racine Common Council or to Racine, to the extent permitted under applicable laws. The requirements, restrictions or prohibitions imposed thereby are enforceable to the Wastewater Commission as well as the Village and the rights created thereby are exercisable by the Wastewater Commission as well as by the Village. The Village shall also comply with any and all provisions of the Racine Area Intergovernmental Sanitary Sewer Agreement.

Where any provision of the Village’s Ordinances imposes restrictions different from those imposed by the Racine Sewer Ordinances, or any other ordinance, rule, regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

- (2) CONNECTION AT OWNER’S EXPENSE. The owner of every property who makes a sanitary sewer connection with the sanitary sewer shall make such a connection at his own expense. If under Section 11.06 it is necessary to make such connection and in the case of neglect or refusal of the owner or agent to do so, the Storm & Wastewater Committee may install such connection and charge the expense thereof against the premises supplied, to be collected with the next water rates due against the premises.
- (3) MAINTENANCE OF SEWER SERVICES. All public sewer services within the Village extending from the street main, including all controls, shall be maintained and repaired at the expense of the property owner. All sewer service laterals shall be maintained in a proper condition, free of any defects, by and at the expense of the owner or occupant of the property. Any damage or defect found in the sewer service lateral shall be the responsibility of the owner or occupant of the property to have the defect repaired within 10 working days after notice has been delivered to the owner, or occupant, or posted on the property. If not repaired within said 10 days, the Village is authorized to make said repairs and charge any costs to the property owner. Notwithstanding any other provision of this section, each property owner shall be responsible for the repair, maintenance and replacement of any laterals extending from the property owner's improvement to the main sewer and the Sewer Utility shall be responsible for the main sewer only.

13.07 USE OF THE PUBLIC SEWERS.

- (1) **SANITARY SEWERS.** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage or cooling water into any sanitary sewer. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Approving Authority.
- (2) **PROHIBITIONS AND LIMITATIONS.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.
 - (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.
 - (d) Any waters or wastes having a pH in excess of 9.0.
 - (e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
 - (f) The following described substances, materials, waters or waste shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in this subchapter if, in its

opinion, more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the Approving Authority are as follows:

1. Wastewater having a temperature higher than 150°F (65°C).
2. Wastewater containing more than 25 mg/1 of petroleum oil, non-biodegradable cutting oils or products of mineral oil origin.
3. Wastewater from industrial plants containing floatable oils, fat or grease.
4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
5. Any waters or wastes containing iron, chromium, copper, zinc and other toxic and non-conventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.
6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the Approving Authority.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
8. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements

of other agencies having jurisdiction over discharge to the receiving waters.

9. Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
10. Materials which exert or cause:
 - a. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - b. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - c. Unusual concentrations of inert suspended solids such as, but not limited to, fuller’s earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate.
 - d. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - e. Incompatible pollutants in excess of the allowed limits as determined by city, State and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.
- (g) The Village shall comply with all the requirements of the City of Racine WPDES Permit and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES Permit and the modifications thereof.
- (h) All waters or wastes entering the system shall be subject to all of the provisions of the Wastewater Control Ordinance of the City of Racine.
- (2) **SPECIAL ARRANGEMENTS.** No statement contained in this section shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the

wastewater collection and treatment facilities by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth in this subchapter are recognized and adhered to.

- (3) **NEW CONNECTIONS.** New connections to the Village’s sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

13.08 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

- (1) **SUBMISSION OF BASIC DATA.**

(a) Each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes, discharged to the wastewater collection and treatment facilities. This data shall be provided annually, unless a different time is specified by the Approving Authority. The following forms or the information needed to complete them will be accepted:

1. Annual NR 101 “Effluent Reporting Form”.
2. Form 3400-28 “Industrial Waste Contribution to Municipal System”.

(b) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(c) The above is required to comply with the City of Racine WPDES Permit.

- (2) **EXTENSION OF TIME.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by sub. (1), a request for extension of time may be presented to the Approving Authority for consideration.

- (3) **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated above and which in the judgment of the Approving Authority have a deleterious effect upon the sewerage

works, processes, equipment or receiving waters or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

- (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (4) CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage.
- (5) PRETREATMENT OF WASTEWATER.
- (a) Ordinance Provisions Adopted. The provisions of sec. 98-147 through 98-156 of the Code of Ordinances of the City of Racine relating to pretreatment of wastewater, are hereby adopted by reference, the same as if fully set forth herein.
 - (b) Penalties and Costs.
 - 1. Civil Penalties. Any industrial user who is found to have violated an order of the Board of Standards or who willfully or negligently failed to comply with any provisions of this section or any orders, rules, regulations and permits issued hereunder, shall forfeit not more than \$1,000 for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the forfeitures provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other costs and expenses of litigation.
 - 2. Costs of Damages. Any industrial user violating any of the provisions of this section which causes a deposit, obstruction, damage or other impairment to the Racine POTW (Point of Treated Waste) shall become liable to the Village and/or the utility for any expenses, losses or damages caused by such violation. The Village

and the Racine Wastewater Utility may add to the industrial user's charges and fees the costs assessed for any cleaning, repair or replacement work caused by the violation. Any refusal to pay the assessed costs shall constitute a violation of this section.

3. Falsifying Information. Any person who knowingly makes any false statements, representation or certification on any application, record, report, plan or other document filed or required to be maintained pursuant to this section or the wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this section shall, upon conviction, be subject to a forfeiture of not more than \$1,000.
- (6) GREASE, OIL AND SAND INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified above or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) practice.
 - (7) ANALYSES. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for sewer service charges.

- (8) **SUBMISSION OF INFORMATION.** Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

13.09 BASIS FOR SEWER SERVICE CHARGES.

- (1) **SEWER USERS.** There is hereby levied and assed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system a wastewater treatment service charge as provided below.

- (2) **UNIT ASSESSMENTS.**
Users of the sewerage system within the village and additions thereto shall be assessed upon the basis of the following units (and shall hereinafter be referred to as “unmetered Customers”):

Type of User	Charge Units
Single Family Dwelling	1
Two-Family Dwelling	2
House Trailer	1
Multiple-Family dwellings (three families or more):	
A. One-bedroom units, each	80% of 1
B. Two-bedroom units each	85% of 1
C. Three-bedroom units each	95% of 1

- (3) **METERED WATER CONSUMPTION.** For the users not falling within any of the categories set forth in subsection (2) of this section, charges will be made according to metered water consumption, where applicable (hereinafter referred to as “metered customers”).
- (4) **DEDUCT (CREDIT) METERS.** If a user feels that a significant amount of metered water does not reach the sanitary sewer, he can, submit a request in writing for a deduct (credit) meter per the Village of Sturtevant Deduct (Credit) Meter Policy. The Approving Authority will review all requests. Any water that goes through the Deduct (Credit) Meter, shall not be discharged into the Sanitary Sewer System. If any water, that has been metered for credit, has been found to have been discharged into the sanitary sewer, all water that has been credited to that specific meter will now be charged to the owner/occupant where the meter is installed. The owner/occupant will also be assessed a 10% penalty on all water charged and the deduct (credit) meter shall be removed at the owners expense.

13.10 AMOUNT OF SEWER SERVICE CHARGES.

(1) **METHOD OF DETERMINATION.** Customers in the village shall be billed quarterly, in an amount sufficient to pay the local sewer operating and maintenance costs, including debt service, if any, and the wastewater treatment charges from the city wastewater treatment plant. In addition, the quarterly billings shall generate sufficient revenue for an equipment replacement fund for the wastewater collection facilities as required under subsection (3)(b) of this section. Unmetered customers shall be billed at a flat rate based on the user classification set forth below, along with a flat rate customer service charge. Metered customers shall be billed a flat rate customer service charge and a volumetric charge based on meter readings with a minimum charge of two times the total residential user charge applicable to a single-family dwelling. Pollutant surcharges billed to the village from the city wastewater treatment plant shall be passed on directly to the specific user.

(a) **Category A.** Category A includes sanitary sewer users who discharge normal domestic strength wastewater with concentrations of biochemical oxygen demand (BOD) no greater than 200 mg/l, suspended solids no greater than 250 mg/l and phosphorus no greater than six mg/l. The sewer service charge for category A wastewater is as follows:

(1)	Customer Type	Charge Unit Customer	Metered Customers*
	Total Customer Service Charge	\$40.00	\$40.00
(2)	Total Volume Charge	\$108.00 per Charge Unit	\$6.15/1,000 gallons or \$4.61/100 cubic feet
	Total User Charge	\$148.00/quarter Per Charge Unit.	\$40.00 Plus Volume Charge/quarter

Minimum charge shall be two times the total residential user charge or \$296.00

(b) **Category B.** Category B includes sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD, 250 mg/l of suspended solids or six mg/l of phosphorus. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The sewer service charge for category B wastewater is as follows:

- (1) Customer service charge: \$40.00 per quarter
- (2) Volume Charge:

Customers	Metered
Total Volume Charge	\$6.15/1,000 gallons or \$4.61/100 cubic feet

Minimum charge shall be two times the total residential user charge or \$296.00

- (3) Surcharges imposed by the Racine Wastewater Utility; hereafter, such surcharges will be identical to the surcharges established from time to time by the Racine Wastewater Utility.
- (2) REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs, and other related information, indicates a change of categories is necessary.
- (3) REPLACEMENT FUND ACCOUNT. The annual replacement revenues shall be maintained in a separate account by the Village to be used solely for the replacement of parts and/or equipment related to the wastewater treatment works. Funds may be withdrawn from this account for authorized uses only with the approval of the Approving Authority.
- (4) SURCHARGE FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION. The Approving Authority may, by resolution, add a surcharge to the quarterly billings of unmetered customers for costs related to participation in a household hazardous waste collection program.

13.11 BILLING PRACTICE.

- (1) CALCULATION OF SEWER SERVICE CHARGES. Sewer service charges that shall be assessed to Village sewer users shall be computed by the village according to the rates and formulas presented in Section 13.10 of this chapter.
- (2) SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the Village to the sewer users on a quarterly basis.
- (3) PAYMENT OF SEWER SERVICE CHARGES. Bills for sewer service charges become due and payable on the 20th of the month following the quarter for which services is rendered. After the due date, a 1% per month penalty will be added to all unpaid charges.
- (4) PENALTIES. Such sewer service charges levied by the Village against the sewer user in accordance with this chapter shall be a debt due to the Village and shall be

a lien upon the property. If not paid within 20 days after it shall be due, it shall be deemed delinquent and may be placed on the current or next tax roll for collection and settlement under Chapter 74 of the Wisconsin Statutes. Any such sewer charge placed onto the tax roll shall be assessed an additional 10% penalty. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

13.12 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.

- (1) **RIGHT OF ENTRY.** The Approving Authority or other authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter and §66.0119, Wis. Stats.
- (2) **IDENTIFICATION, RIGHT TO ENTER EASEMENTS.** The Approving Authority or other authorized employees of the Village, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Village holds a negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement, all subject to the terms, if any, of this negotiated easement.

13.13 SEWER CONSTRUCTION AND CONNECTIONS.

- (1) **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining written approval from the Approving Authority. A street opening permit is required for any excavation in Village Streets. A permit must be obtained from the Village Building Inspector.
- (2) **SEWER CONNECTION CHARGE.**
 - (a) Prior to the issuance of a permit allowing connection to the sanitary sewer system of the Village of Sturtevant, the Clerk/Treasurer shall collect the connection charge set forth below for each applicable lot, parcel of land or premises:
 1. Single-Family Residential - \$3,850.00
 2. Multi-Unit Residential

Charge for 1 st Unit	Charge for 2 nd Unit	Charge for Each Additional Unit
\$3,850.00	\$2,400.00	\$1,800.00

3. All Commercial, Industrial, Private and Public Institutions shall be charged on a reasonable basis as determined by the Village based on such factors as flow and nature of the sewer or waste, with a charge in an amount as set forth below or \$400.00 per fixture, whichever amount is greater:

5/8"	¾"	1"	1-1/2"	2"	3"	4"	6"	8
4,200.00	4,350.00	4,555.00	5,150.00	6,000.00	7,900.00	11,900.00	12,900.00	32,000.00

Charges for meter sizes in excess of 8" will be determined on a case-by-case basis by the Storm & Wastewater Committee after consultation with its engineer.

- (b) No unit connection charge shall be collected by the Village if the property to be serviced has been previously assessed for such connection charge.
- (c) The property owner shall be connected by the Village at his/her own expense, which shall not be deducted from the connection fee under any circumstances.
- (d) Additional connection charge:
 1. In each and every case where a lot or parcel of land is connected to a sewer installed without levy of a special assessment against a lot or parcel, there shall be an additional connection charge for each front foot of land abutting or fronting a road. The additional charge shall be equal to the cost per assessable foot of the lot abutting or fronting upon the road, based upon the actual cost of installation of the sewer line, with interest at the rate of 5 percent per annum from the time of installation to the time of connection, including the cost of the size of the sewer main and its installation at the depth necessary to furnish sewer service to the lot or parcel of land. Where actual cost figures are not available, the Village Engineer shall estimate the cost utilizing available historical data. Such

additional charge shall be collected simultaneously with the regular connection charge.

- (3) **USE OF OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Approving Authority to meet all requirements for this subchapter.
- (4) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules, regulations, and standard as adopted by the approving authority.
- (5) **BUILDING SEWER GRADE.** Whenever practical, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (6) **STORM AND GROUNDWATER DRAINS.** No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority.
- (7) **CONFORMANCE TO PLUMBING CODES.** The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.
- (8) **INSPECTION OF CONNECTION.** The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.
- (9) **BARRICADES; RESTORATION.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public

property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

13.14 VIOLATIONS AND PENALTIES.

- (1) **WRITTEN NOTICE OF VIOLATION.** Any person found to be violating any provision of this chapter, except this section, shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to forfeiture, pay an amount to cover damage, both values to be established by the Approving Authority.
- (3) **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$500 together with the cost of prosecution. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- (4) **LIABILITY TO VILLAGE FOR LOSSES.** Any person violating any provision of this chapter shall become liable to the Village for any expense, loss or damage occasioned by reason of such violation which the Village may suffer as a result thereof. The Approving Authority must be notified immediately by any person becoming aware of any violations that occur.

13.15 APPEALS.

- (1) Any user, permit applicant or holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user; permit applicant or holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration

may, within 10 days after notification of the action, file a written appeal with the Village Board.

- (2) A fee of \$25 shall accompany any appeal to the Village Board for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant. The written appeal shall be heard by the Village Board within 45 days from the date of filing. The Village Board shall make a final ruling on the appeal within 60 days from the date of filing.

13.16 AUDIT.

The Village shall conduct an annual audit to maintain the proper proportion between users and user classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement and debt service costs.