

TOWN OF SCOTT ORDINANCE NO. _____

AN ORDINANCE REPEALING CHAPTER 301, STORMWATER UTILITY AND REPEALING AND RECREATING CHAPTER 363, WATER UTILITY DISTRICT AS CHAPTER 363, SCOTT MUNICIPAL UTILITY DISTRICT, RELATING TO THE COMBINATION AND CONSOLIDATION OF THE TOWN OF SCOTT WATER, SEWER AND STORMWATER UTILITIES INTO A SINGLE UTILITY DISTRICT AND PUBLIC UTILITY FOR THE TOWN OF SCOTT, OF THE TOWN OF SCOTT MUNICIPAL CODE, BROWN COUNTY, WISCONSIN

The Town Board of the Town of Scott, Brown County, Wisconsin does ordain as follows:

Chapter 301, "Stormwater Utility" is hereby repealed and Chapter 363, "Water Utility District" of the Town of Scott Municipal Code is repealed and recreated to read as follows:

SECTION 1. CHAPTER 363 - SCOTT MUNICIPAL UTILITY DISTRICT

ARTICLE I. SCOTT MUNICIPAL UTILITY AND COMMISSION

§ 363-1 Scott Municipal Utility and Commission Creation.

- A. Creation. There is hereby created a single Town wide Utility District and Public Utility for the Town of Scott by the combination and consolidation of the Town's Water Utility and District, Sewer and Stormwater Utilities hereinafter referred to as the Scott Municipal Utility ("SMU") together with an independent and nonpartisan Utility Commission to manage and operate the Scott Municipal Utility of the Town of Scott.
- B. Transfer of assets, liabilities, and outstanding debt. Effective the end of the business day on December 31, 2016, all assets, liabilities, and debts of the Scott Sanitary District #1, Scott Stormwater Utility and Scott Water Utility are hereby transferred to the SMU by the Town Board and include but are not limited to:
- (1) The land rights and improvements of the Town and/or within the jurisdictional control of the affected Utilities and District, including such other rights as are determined to exist, and equipment for the maintenance and management of the same.
 - (2) The debt service on all outstanding general obligation debt issued on or before December 31, 2016.
 - (3) All loans and other financial instruments in place between the Town and affected Utilities shall become the same between the Town, the former Utilities and SMU.
- C. General Definitions.
1. "Board" shall mean the Town Board, Town of Scott, duly elected by the citizens of the Town of Scott.
 2. "Commission" shall mean the governing body of the SMU appointed by the Board.
 3. "Departments" shall mean the sewer, storm water, and water utility systems located within the Town. By inter-governmental agreement, the SMU may also serve utility systems in other Towns which are interconnected to the Town utility systems.
 4. "DNR" shall mean the Wisconsin Department of Natural Resources.
 5. "Enterprise Fund" shall mean the separate financial account maintained for each SMU Department by the Town Clerk.

6. "PSCW" shall mean the Public Service Commission of Wisconsin.
7. "SMU" shall mean the Scott Municipal Utility.
8. "Town" shall mean Town of Scott. Further, it shall encompass the geographical area as defined by Brown County and the State of Wisconsin.
9. "Utility" shall have the same meaning as SMU.

B. Membership. The Commission shall consist of seven (7) Commissioners, who shall be residents of the Town of Scott.

C. Appointments. The Town Board shall appoint the citizen Commissioners to succeed Commissioners whose terms have expired, or for those seeking an additional appointment term. At the time of a Commissioner vacancy the Town Board may appoint a replacement Commissioner to fill a vacancy for the remainder of the current term. All appointments shall be in accordance with §66.0805(2), Wis. Stats.

The Town Board shall also appoint, from its membership, a non-voting liaison member to the Commission. This appointment shall be consistent with the Town Board Member's elected term.

D. Eligibility for appointment. No person shall be eligible for appointment to the Commission or any office or position in the SMU if the person, directly or indirectly, has any pecuniary interest in any contract for furnishing utility services or other public services to or for the Town or if the person is a stockholder in any corporation which has such a contract with the Town.

E. Organization. To facilitate the first meeting, the Board shall appoint the first President who shall serve as President of the Commission for a one-year term. Thereafter, the President of the Commission shall be elected by the Commission Membership, annually at their first meeting in January. The Commission shall also select a Vice-President who shall serve in the absence of the President. This individual shall also serve a one-year term. A Town employee, shall serve as the Utility Clerk, and before taking office, shall be bonded by the Town for the faithful performance of the duties of his or her office in such amount as the PSCW, DNR or other agency with competent jurisdiction shall require.

G. Meetings. Regular monthly meetings of the Commission shall be held. Special meetings may be held at any time upon a call by the Commission President or a simple majority of the Commissioners, giving reasonable and legal notice of the time and place of such meeting to the other Commissioners and general public.

§ 363-2. Powers of Commission.

A. Charge and management. The Commission, through the SMU, shall take entire charge and management, operation, and control of the Town's utility systems. The Commission shall have full authority to supervise the operation of the SMU under the general control and supervision of the Board. All official written records, financial records, minutes and all written proceedings shall be kept by the Office of the Town Clerk/Treasurer.

- B. Manager. The Commission may appoint a Utility Operator, fix their compensation and duties and provide for the authority of the Operator to act on behalf of the Commission.
- C. Other employees / consultants. The Commission may employ and fix the compensation of such other employees as the Commission deems necessary or convenient for the management and operation of the SMU. The Commission also may employ the services and fix the compensation of such other agents or consultants as the Commission deems necessary or convenient for the operation and the management of the SMU. The Commission may also command the services of the Town Engineer.
- D. Rates, rules and regulations. The Commission shall have authority to fix rates and establish rules and regulations for the governance, management and operation of the Utility and each Department, subject to the jurisdiction of the PSCW, DNR or other governmental agency having competent jurisdiction over the SMU and the respective Departments, where applicable, and establish rules for the governance of its own proceedings. Each Article in this Ordinance may contain additional specifications for rate development.
- E. Budget. The SMU shall prepare an annual budget, which is to include all operation and costs, administrative costs, debt service and other costs related to the operation of each Department, as well as the SMU and allocated to each Department. The costs shall be spread over the rate classifications as determined by the SMU, and approved by the PSCW or appropriate agency. Any excess of revenues over expenditures in a year will be retained by each Enterprise Fund for subsequent years' needs.
- F. Budget Approval. The overall SMU budget is subject to a public hearing and approval process set forth in § 65.90, Wis. Stats
- G. Financing Authority. The Commission has the authority, as provided in §§66.0821, 66.0627 and 66.0703, Wis. Stats., and may exercise such authority with respect to all financing methods such as user charges, special charges, special assessments, borrowing and liens as provided therein.
- H. Utility Expenses. SMU expenses shall be approved by the Commission at its regular monthly meeting and, if approved, shall be paid by the Town Clerk pursuant to §66.0607(4), Wis. Stats. The Commission may authorize the payment of labor, salaries and such other regular expenses as the Commission may determine, including, but not limited to, power and fuel bills, to be paid as they become due.
- I. Billing, Payment and Penalty. The Town of Scott is hereby appointed as the collection agency for the SMU. Bills shall be prepared by the SMU or its agent and sent to the owner a minimum of 20 days prior to such bill being due.

Utility service charges shall be billed quarterly (every three months) and shall be payable to the SMU not later than 20 days after the end of each period. A penalty of one percent per month or a minimum of \$4.00 per month, shall be added to all bills not paid by the date fixed for final payment. Nothing in this subsection shall be construed to preclude the SMU from billing on a more frequent basis. Additional billing parameters for stormwater service can be found in Article II, sewer service in Article III, and water service in Article IV. Unpaid delinquent utility charges shall become a lien upon the property served and shall be enforced as provided in §66.0809(3), Wis. Stats. The Town shall collect delinquent charges under §§66.0821(4) and 66.0809(3), Wis. Stats.

- J. Appeals. The SMU charges may be appealed by filing a written appeal with the SMU prior to the utility charge due date, if not paid, or within 30 days of payment. The appeal shall specify all bases for the challenge and the amount of the charge the appellant asserts is appropriate. Failure to file a timely appeal waives all rights to challenge such charge. The Commission shall review said written appeal and shall determine whether the charge is fair and reasonable, or whether an adjustment or refund is due the appellant. The Town Clerk shall provide five business days' prior written notice of the time and place of the Commission's consideration of the appeal to the appellant/owner at the address listed in the appeal. The appellant shall be notified in writing, by first class mail, of the Commission's decision. If the Commission determines that a refund is due the appellant, the refund will be applied as a credit on the customer's next invoice or bill or will be refunded at the discretion of the Town Clerk/Treasurer. Appeals for water service shall be reviewed according to PSCW rules in effect at the time of appeal.

- K. Charges as a Lien. Delinquent utility charges shall be a lien upon the property serviced pursuant to §66.0809, Wis. Stats., Delinquent stormwater charges shall be charged in accordance with §66.0627, Wis. Stats. All charges shall be collected in the manner therein provided.

- L. Utility Receipts. All SMU receipts shall be turned over to the Town Clerk at least once a month. SMU funds shall be separately accounted for by the Town Clerk and shall be subjected to disposition as the Commission shall direct.

- M. Excess Revenues. The Commission of the SMU will retain an excess of revenues over expenditures in a year in a segregated account for each Enterprise Fund, which shall be used exclusively for purposes consistent with this chapter.

- N. Financing Methods. The Commission has the authority, as provided in §§ 66.0821, 66.0627 and 66.0703, Wis. Stats., and may exercise such authority with respect to all financing methods such as user charges, special charges, special assessments and liens as provided therein.

- O. Financial Records. SMU financial records, by Department and for SMU, shall be accounted for in a separate Enterprise Fund for each Department and in general for SMU, and maintained by the Town.

- P. Contracts. The Commission shall have full authority to let bids and enter into contracts in the name of the Utility, provided that such contracts are necessary or convenient to the management and operation of the SMU.

- Q. Construction Work. Actual construction work shall be under the immediate supervision of the Town Engineer.

- R. Condemnation of Real Estate.
Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Commissioners be necessary to the sewer, water, or stormwater system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Commissioners shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin State Statutes.

- S. Annual Review. The SMU shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs. This audit shall be conducted in conjunction with a Financial Audit prepared by a qualified independent Auditing Firm, used by the Town. The Annual Audit shall include all Enterprise Funds.

- T. Other powers. The Commission shall have such other powers as are necessary or convenient to the management and operation of the SMU, and the Board intends that the Commission shall have full authority with respect to management of the SMU unless that authority is specifically withheld by statute.

§ 363-3. Interpretation.

This ordinance shall be liberally construed to affect its purpose. As used herein, the term "management and control" or "management and operation" shall be construed broadly and shall include, without limitation by enumeration, all authority related to the Utility properties of the Town, and all authority related to assets, purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating, managing personnel, or managing the SMU, except as specifically withheld by State Statute.

ARTICLE II. STORMWATER DEPARTMENT AND SERVICES

§ 363-4. Applicability.

The rules, regulations, and rates set forth in this article shall apply to all real property within the jurisdictional control of the SMU.

§ 363-5. Findings.

- A. The Town finds that the management of stormwater and other surface water discharges within and beyond its borders is a matter that affects the public health, safety, and welfare of the Town, its citizens, businesses, and others in the surrounding area. The development of land increases

impervious surfaces and results in increased stormwater runoff. Surface water runoff may create erosion of lands, threaten businesses and residences with water damage and create sedimentation and other environmental damage in surrounding areas. Specific requirements have been placed on the Town through DNR Regulation 216, requiring the Town to improve the quality of stormwater discharged to the waters of the state.

- B. The cost of operating and maintaining the Town stormwater management system, ensuring regulatory compliance, and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

§ 363-6. Establishment and Authority.

- A. In order to protect the health, safety and welfare of the public, Town assets, and natural resources, the Board is exercising its authority to establish the SMU and enabling the SMU to set the rates for stormwater management and services.
- B. The Town is acting under the authority of §§60, 61 and 66, Wis. Stats., and particularly, without limitation, the following sections: §§61.34, 66.0809, 66.0811, and 66.0821, Wis. Stats.

§ 363-7. Operation.

- A. Supervision. The Utility Operator shall be responsible for the maintenance and management of the SMU Stormwater Department under direction of the Commission.
- B. Facilities. The Commission, through the SMU, may acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities as are deemed by the Commission to be proper and reasonably necessary for a system of stormwater and surface water management. These facilities may include, but are not limited to; land, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, street sweepers, leaf vacuums and such other facilities and equipment relating to collection of runoff, sediments, and other pollutants as will support a stormwater management system, whether such facilities are owned and operated directly by the Town or are provided under statutory or contractual provisions, and furnishing of which facilities creates or imposes a cost or charge upon the Town for the services afforded by such facilities.

§ 363-8. Specific Definitions - Stormwater.

In this Article, the following terms have the meanings set forth below:

AGRICULTURAL LAND USES — Related to or used for production of food and fiber, including but not limited to general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry productions, and wild crop harvesting and includes lands for on-site buildings and other structures necessary to carry out such activities.

CUSTOMER — Any person, owner or occupant, firm, partnership, cooperative, municipality, organization, governmental agency or political entity provided with stormwater management services by the SMU.

DETENTION STORAGE — The temporary detaining or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge regulated by installed devices.

DEVELOPED PROPERTY — The real property that has been altered from its natural state by the addition of any improvements that may include a building, structure, impervious surface, and change in grade or landscaping.

DUPLEX UNIT — A residential space containing two dwelling units.

DWELLING UNIT — A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. (SPS 320.07(27)). An individual bathroom and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EQUIVALENT RUNOFF UNIT or ERU — The statistical average of horizontal impervious area of single-family homes within the Town as of the date of the adoption of this chapter. The horizontal impervious area includes but is not limited to all areas covered by structures, roof extensions, patios, porches, driveways, and sidewalks.

FARMSTEAD HOME SITE — That portion of any agricultural property which contains one or more dwelling units and vehicle garage, regardless of whether the dwelling units are on a separate lot or parcel.

IMPERVIOUS AREA or IMPERVIOUS SURFACE — Areas that have been paved, covered or compacted to inhibit the natural infiltration of water into the soil or cause water to run off the area in greater quantities or at an increased rate of flow from the present under the natural conditions as undeveloped property. Such areas may include, but are not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, gravel, athletic courts, and compacted surfaces, private roads, and parking lots. Excluded from this definition are undisturbed land, lawn, fields, and public streets.

LOT — A parcel of land having a width and depth sufficient for one principal building and its accessory building together with open spaces required by Chapter 375, Zoning, of the Code of the Town of Scott, and abutting a public street or access easement.

MULTIFAMILY UNIT — A residential space consisting of three or more dwelling units within a single building, including apartments, residential condominiums, and townhouses.

NONRESIDENTIAL PROPERTY — Any developed lot or parcel other than residential property as defined herein, including but not limited to transient rentals (such as hotels and motels), mobile home parks, commercial, industrial, institutional, or governmental property, parking lots, and agricultural accessory buildings.

PARCEL — A legal unit of land division as recorded with the Brown County Register of Deeds.

RESIDENTIAL PROPERTY — Any lot, parcel or farmstead home site with a vehicle garage developed exclusively for residential purposes, including single-family homes, duplex units, multifamily units, manufactured homes and condominiums, but not including transient rentals (such as hotels and motels) and mobile home parks.

RUNOFF — The surface water, including rain and snowmelt, which is inhibited by impervious surfaces from naturally infiltrating into soil.

SINGLE-FAMILY HOME — Any residential property consisting of a single dwelling unit.

STORMWATER SYSTEM — All public storm sewers, drainage conduits, drainage conveyances, roadside ditches, curb and gutter, and public greenways, and all improvements thereto, which by this chapter are constituted as the property and responsibility of the SMU, to be operated to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

UNDEVELOPED PROPERTY — Property that has not been altered by the addition of any improvements, such as building, structure, change of grade or substantial landscaping; agricultural use of property; or property that has been graded for residential or commercial development but does not have buildings, structures or other improvements. A property shall be considered developed pursuant to this chapter upon issuance of a certificate of occupancy or upon substantial completion of construction or final inspection if no such certificate is issued or where construction is at least 50% complete and construction is halted for a period of three months.

§ 363-9. Specific Stormwater Rate Development and Charge Methodology.

- A. The SMU shall establish a uniform system of stormwater service charges that shall apply to each and every lot or parcel within the Town. It shall be the policy to establish stormwater service charges in such amount in order to pay for all or a part of the operation and maintenance, administrative fees, debt service, and other costs related to the operation of the stormwater management utility. The SMU may establish and modify stormwater service charges, as necessary, so as to assure that the charge generates adequate revenues to pay the costs of the stormwater management program and that the costs are allocated fairly and proportionately to all parcels in the Town.
- B. By this Article, the SMU is establishing the basis for the rates that will be used to calculate and impose a charge upon each developed lot and parcel within the Town for services and facilities provided by the SMU consistent with this chapter.
- C. The amount of the charge to be imposed for each customer classification shall be made by resolution of the Commission. The current rates will be set forth in a SMU Rate Table and kept on file in the office of the Town Clerk. The rates shall be reviewed by the Commission on an annual basis and adjusted as necessary.
- D. Charges shall be imposed to recover all or a portion of the costs for the SMU set forth in Subsection A. Such charges may include the following components:
 - (1) Base charge (BC). The base charge may be imposed on all developed property in the Town. The base charge will be designed to reflect the fact that all developed properties benefit from the stormwater management activities of the Town and that all developed properties contribute in some way to the stormwater discharge that must be managed by the Town. The base charge will be designed to collect the administrative costs of the stormwater system and the portion of capital costs not covered by other means.
 - (2) Equivalent runoff unit (ERU) charge. The ERU charge shall be imposed for all property in the Town based upon the amount of impervious area as reasonably determined by the Town under §363-12.

- (3) Special charge (SC). A special charge may be imposed on property that is in a specific area benefited by a particular stormwater management facility. The special charge will be developed to reflect the benefits/services in a particular area that may not be appropriate to spread to property throughout the Town. The special charge shall be calculated on an ERU basis or impervious surface area.
 - (4) Connection Charge (CC). A one-time charge may be imposed when a property is converted from undeveloped to a developed property or otherwise becomes connected to the SMU's stormwater system. The charge may vary based on the size of the parcel.
- E. The SMU may make such other classifications in accordance with §363-12 as will be likely to provide reasonable and fair distribution of the costs of the SMU. In so doing, the Commission may provide credits against certain charges set for the above facilities installed and maintained by the property owner for the purpose of lessening the stormwater flow from that given property.

§ 363-10. Credits.

- A. The SMU may provide credits against the ERU and SC charges pursuant to Subsections B through H in 363-11. The SMU will not provide credits against the base charge or connection charge unless a scrivener's error is made and it is determined that the property owner paid an erroneous charge.
- B. To be entitled to consideration for a credit, the property owner shall file with the SMU an application, together with a review fee, that is supported by documentation from a professional engineer and demonstrates that the conditions of this section have been met. The application is subject to review and approval of the SMU. If the SMU and property owner cannot agree on credits, then the SMU can deny the application unless the property owner agrees to pay for the necessary engineering services.
- C. Credits shall be provided under the following circumstances:
 - (1) An 80% credit for parcels used exclusively for agricultural, forest, or agricultural forest.
 - (2) A 2/3 credit for agricultural buildings being used as an active farm or any property zoned exclusively for agriculture (AG-FP Agricultural-Farmland Preservation).
 - (3) An 80% credit for nonmetallic mining parcels that are permitted by the Wisconsin Department of Natural Resources under the Wisconsin Administrative Code, Section NR216. In order to receive the credit the nonmetallic mining operation must:
 - i. Contain the runoff within the limits of the quarry
 - ii. Discharge of the runoff site is by means of pumping, gravity flow is not possible.
 - iii. Maintain a compliant WPDES permit with the WDNR.
 - iv. Comply with the Town's stormwater management ordinance.
- D. Credits may be provided under the following circumstances:
 - (1) A nonresidential property owner may seek a credit on the ERU charge where it has installed and maintained an on-site stormwater management system that both mitigates flood impacts and provides adequate treatment of pollutants in stormwater runoff utilizing a design that has been approved by the Utility.
 - (2) A nonresidential property may seek a credit on the ERU charge if all or a portion of the property discharges directly into the Bay of Green Bay. A maximum 75% credit will be

allowed if all the property drains directly into the Bay of Green Bay and portioned if only a portion drains into the Bay.

- E. A maximum 50% credit may be provided if the property owner can document to the SMU that an on-site approved stormwater system is treating stormwater.
- F. No credit shall be considered for any "natural" features, limited to wetlands, streams and creeks, floodplains, or water impoundment of any kind.
- G. The SMU may revoke the credit if the basis for the credit has materially changed. The Utility shall provide at least 30 days' advance written notice of any proposed revocation.
- H. A denial or revocation of any credit may be appealed under §363-14.

§ 363-11. Customer Classifications.

- A. For purposes of imposing the base and ERU charges, all lots and parcels within the Town shall be classified into the following five customer classes:
 - (1) Residential — single-family, including farmstead home sites.
 - (2) Residential — duplex.
 - (3) Residential — multifamily, including condominiums, townhouses, and apartments.
 - (4) Nonresidential.
 - (5) Undeveloped.
- B. The SMU shall prepare a list of lots and parcels within the Town and assign a customer classification of "residential," "nonresidential," or "undeveloped" to each lot or parcel.
- C. The average square footage of impervious area of one ERU is established to be equivalent to 4,250 square feet.
- D. ERUs shall be calculated per classification as follows:
 - (1) Residential — single-family, including farmstead home sites: 1 ERU.
 - (2) Residential — duplex: 0.75 ERU for each dwelling unit.
 - (3) Residential — multifamily, including condominiums, townhouses, and apartments: 0.6 ERU times the number of dwelling units.
 - (4) The charges imposed for the nonresidential properties, as defined herein, shall be the rate for one ERU multiplied by the numerical factor obtained by dividing the total impervious area of nonresidential property by the square footage of one ERU. The factor shall be rounded down to the nearest 1/10, i.e., impervious area in square feet.

$$\frac{\text{_____}}{4,250 \text{ square feet}} = 1 \text{ ERU Rate}$$

e.g. $\frac{10,500 \text{ square feet}}{4,250 \text{ square feet}} = 2.471 \text{ ERUs} = 2.4 \text{ ERUs}$

- E. The SMU/consultant shall be responsible for determining the impervious area, based upon the best available information, including, but not limited to, data supplied by the Town, aerial photography, the property owner, tenant, or developer. The SMU/consultant may require additional information, as necessary, to make the determination. The billing amount shall be updated by the SMU/consultant on any additions to the impervious area. Upon property owner's written notification and request, the SMU/consultant shall review impervious area for possible reductions.
- F. All unoccupied developed lots and parcels shall be subject to the SMU charges. Upon filing of a final plat or certified survey map, a charge of 0.5 ERU times the rate shall be imposed on each newly created undeveloped lot. Appropriate ERU rate charges shall be made in accordance with the "New Construction" section at the time of building construction.
- G. All undeveloped lands and parcels, including agricultural, forest, and agricultural forest classified properties, shall be subject to the SMU charges. The minimum charges for any undeveloped parcel shall be equal to the rate of 20% of one ERU per parcel up to 100 acres.

§ 363-12. Billing and Penalties.

- A. Stormwater charges may be billed in advance and on an annual basis or collected as a special charge pursuant to § 66.0627, Wis. Stats.
- B. The property owner is held responsible for all stormwater service charges on real property that he/she or it owns. All stormwater bills and notices of any nature relative to the stormwater management program will be addressed to the owner and delivered with reasonable care to the addressee by first class mail. A failure to receive a stormwater service charges bill shall not relieve any person of the responsibility for payment of stormwater service charges within the prescribed period nor exempt any party from any penalty imposed for delinquency in payment thereof.

§ 363-13. Special Assessments and Charges.

In addition to any other method of charging for SMU costs, the SMU may by resolution collect special assessments on property in a limited and determinable area for special benefits conferred upon property pursuant to § 66.0703, Wis. Stats. The failure to pay such special assessments may result in a lien on the property enforced pursuant to § 66.0703(13), Wis. Stats.

§ 363-14. Administrative Authority Designation.

The Board hereby designates SMU to have the authority to:

- A. Stormwater management. Administer, implement and enforce the provisions of Chapter 297 - Stormwater Management. It is the intent of this section that the SMU shall have the same authority that has been designated to the Zoning Administrator pursuant to Chapter 297; however, any formal enforcement action shall be authorized by the Board.
- B. Illicit discharge. Administer, implement and enforce the provisions of Chapter 260, Sewers and Sewage Disposal, Article I, Illicit Discharges to Storm Sewer System. It is the intent of this section that the SMU shall have the same authority that has been designated to the Zoning Administrator pursuant to Chapter 260, Article I; however, any formal enforcement action shall be authorized by the Board.

- C. Construction site erosion control. Administer, implement and enforce the provisions of Chapter 73, Construction Site Erosion Control. It is the intent of this section that the SMU shall have the same authority that has been designated to the Zoning Administrator pursuant to Chapter 73; however, any formal enforcement action shall be authorized by the Town Board.

ARTICLE III. SEWER DEPARTMENT AND SERVICES

§ 363-15. Introduction and General Provisions.

This article regulates the use of private sewers and drains and the discharge of waters and wastes into the public sewerage systems within the portions of the Town of Scott, formerly covered by the Scott Sanitary District No. 1. It provides for and explains the method used for levying and collecting sewer system service charges, sets uniform requirements for discharges into the sewer system, and enables the SMU to comply with administrative provisions, water quality requirements, and other 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 sanitary sewer system.

This article provides a means for determining wastewater 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 SMU's costs of operating and maintaining adequate wastewater collection and pumping 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.

§ 363-16. Specific Definitions - Sewer.

In this Article, the following terms have the meanings set forth below:

APPROVING AUTHORITY – Shall mean the SMU, or its duly authorized committee, agent or representative.

BIOCHEMICAL OXYGEN DEMAND (BOD) – The quantity of oxygen utilized in the biochemical oxidation of organic matter, as determined by standard laboratory procedures in accordance with Wisconsin Administrative Code NR Ch. 219.

BUILDING DRAIN - The horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level from which fixtures can drain by gravity to the building sewer. (SPS 381.01 (39))

BUILDING SEWER - That part of the drain system not within or under a building which conveys its discharge to a public sewer, private interceptor main sewer, private onsite wastewater treatment system or other point of discharge or dispersal. (SPS 381.01 (44))

COMPATIBLE POLLUTANTS – Is the biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

FLOATABLE OIL – The oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. All wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not 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.

GREEN BAY METROPOLITAN SEWER DISTRICT (GBMSD) – Wholesale provider of sewer services within Brown and surrounding counties. The utility recently changed their corporate name to NEW Water.

GROUND GARBAGE – The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.

INCOMPATIBLE POLLUTANTS – Is wastewater 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 – The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

LICENSED DISPOSER – A person holding a license under s. 146.20(3)(a).

MUNICIPAL 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 stormwater that may be present.

NATURAL OUTLET - Any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.

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

pH - shall mean the logarithm of the reciprocal of the hydrogen ion 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 of 10.

PUBLIC SEWER – Any sewer provided by or subject to the jurisdiction of the SMU. It shall also include sewers within or outside the corporate boundaries that serve one or more users and ultimately discharge into the SMU’s sanitary sewer system, even if those sewers were not constructed with SMU funds.

SANITARY SEWAGE – A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may be present.

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

SEWAGE - Sewage is spent water of a community. The preferred term is "municipal wastewater".

SEWER SERVICE AREA (SSA) - Those areas adjacent to a sewer line or tributary to a publicly owned sewage treatment plant to which sanitary sewer service could be provided within the next 20 years. (See also, Brown County Sewer Service Area Plan)

SEWER SERVICE CHARGE - A service charge levied on users of the sanitary sewer system for payment of use-related operation and maintenance costs, including replacement costs associated with said facilities.

SEWER SYSTEM – The common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the sewerage system owner.

SEWERAGE SYSTEM - Means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.

"SHALL" is mandatory; "MAY" is permissible.

SLUG LOAD – Any substance released at a discharge rate and/or concentration which causes interferences to wastewater treatment processes.

STANDARD METHOD – 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 Water Pollution Control Federation.

STORM DRAIN – (or "storm sewer") shall mean drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

STORMWATER RUNOFF – That portion of the rainfall that is drained into the sewers.

SUSPENDED SOLIDS – ("SS") - Solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.

UNIFORM DWELLING CODE (UDC) – The residential building code as established by the State of Wisconsin, SPS §305.

UNPOLLUTED WATER – Is water of quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER FACILITIES - The structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS - An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymous with waste treatment. In the case of the SMU, these facilities are owned by N.E.W. Water.

WATERCOURSE - 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 DNR which establishes effluent limitations and monitoring requirements for a wastewater treatment facility.

§ 363-17 Operation and Control of Sewer System

- A. Construction. The SMU 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 within the jurisdictional boundaries of the SMU; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The SMU shall have power by its self, its officers, agents, and employees, 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 SMU shall have power to purchase and acquire for the SMU all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- B. Maintenance of Services. The individual property owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the SMU, except when they are damaged as a result of negligence or carelessness on the part of the SMU. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.
- C. 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 the SMU.

§ 363-18 User Rules and Regulations

The rules, regulations, and sewer rates of the SMU hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the SMU sewer system and every such person, company or corporation by connecting with the sewer system shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the SMU may hereafter adopt, are violated, the use of 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 Commissioners and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Commissioners may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Commissioners, furthermore, may

declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Commissioners 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.

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

- A. Plumbers. 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 being properly license by the State of Wisconsin and obtaining a permit from the Town or the SMU, as applicable. All service connections to the sewer main shall comply with State plumbing code.

- B. Users – Mandatory Hook-Up, Liens, Penalties and Court Action.
 - a. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human occupation or in a block through which such system is extended, is required to connect to the sewer system within one year of the sewer installation adjacent to that property. Upon failure to do so, the SMU 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, however, that the owner may within thirty (30) days after the completion of the work file a written option with the Commissioners stating that they cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal annual installments and that the amount shall be so collected with interest, in accordance to Wis. State Statutes.

 - b. In lieu of the above, the SMU at their option may:
 - i. 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 of \$150.00 per quarter 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.

 - ii. Commence court action to require connection to the SMU sewers and to impose such other penalty as this ordinance provides.

 - (c) This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the SMU and fails to assure preservation of public health, comfort, and safety of the SMU residents.

§ 363-19. Private Systems Prohibited.

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the SMU serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after June 1, 1990, the use of septic tanks or any private sewage disposal system within the area of the SMU serviced by the sewerage system shall be prohibited.

Property serviced by the sewer system is defined as follows: Any building site located entirely within the Sewer Service Area (SSA) and is physically located within 250 feet of an existing municipal sewer line. If a

land division or building construction is proposed within the SSA and is outside of the 250 feet connection requirement a Petition for Exception may be filed with the SMU requesting a private sewage disposal system or on-site holding tank. In consideration of the Petition the SMU shall gather all pertinent information necessary before rendering an opinion either in favor of, or opposed to. The SMU's opinion shall not be in opposition to the Town's Comprehensive Plan, Area Development Plans, Zoning Ordinance, Subdivision Ordinance or any other local, county, or state regulations.

§ 363-20. Application for Sewer Service.

No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any sewer main or appurtenance thereof without first obtaining a written permit from the SMU.

There shall be two (2) classes of building sewer permits: a) for residential and commercial service, and b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the SMU. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the SMU. A permit and inspection fee shall be paid to the SMU at the time the application is filed. Interior plumbing inspections will be required at the same time as installation and connection to the public sewer. This interior inspection and fee will be handled through the Town. The customer, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of facility.

The applicant requesting the connection of the building sewer to the sanitary sewer system shall notify the SMU three (3) business days in advance of the date when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the SMU or their representative.

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 UDC Building and Plumbing Codes or other applicable rules and regulations of the SMU. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition, and Wisconsin Administrative Code shall apply.

§ 363-21. Lateral Costs.

Tapping the main with a lateral shall be controlled and regulated by the SMU. All costs associated with attaching to a sewer main with a lateral shall be the customer's expense.

§ 363-22. Permits.

After sewer connections have been introduced into any building or upon any premises, no plumber shall make alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Town Building Inspector.

§ 363-23. 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. Service pipes shall be defined to be the building drain and building sewer pipes up the curb stop and/or corporation cock shut-off.

§ 363-24. Backflow Preventer.

All floor drains shall have a backflow prevention valve installed at the owner's expense.

§ 363-25. User Use Only.

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

§ 363-26. Vacating of Premises and Discontinuance of Service.

Whenever premises served by the system are to be vacated, or when there is a request to discontinue service from the system; the SMU must be notified in writing. The owner of the premises shall be liable for any damages to the property resulting from the discontinuance, other than through the fault of the system or its employees, representatives, or agents.

§ 363-27. User to Permit Inspection.

Every user shall permit the SMU and 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, all in accordance with this Ordinance and applicable state statutes and codes.

§ 363-28. SMU Responsibility.

It is expressly stipulated that no claim shall be made against the SMU or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any portion of the SMU, the Commissioners shall, if practicable, give notice to each and every consumer within the SMU affected area, of the time when such service will be shut off.

§ 363-29. Excavations.

- A. In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will cause 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 or repaired, the earth must be laid in layers of not more than nine (9) inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast, and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Commissioners.

§ 363-30. Tapping the Mains.

- A. No tapping of a main or collection pipe shall be allowed without a permit from the Town or from the SMU. The type and size of the connection with the main or collection pipe shall be specified in the permit to ensure that new sewers and connections to the sewer system are properly designed and constructed.
- B. All service connections to mains must comply with State plumbing code and all regulations and requirements as established by the SMU.

§ 363-31. Installation of House Laterals.

All service pipes (laterals) on private property will be installed in accordance with the UDC and regulations of the SMU.

§ 363-32. Extensions and Costs.

The SMU may extend sewer mains to a new customer, building, facility, or area in accordance with the following charges and the following conditions:

- A. When an extension main is requested or required an application for such an extension shall be provided to the Commissioners by filing a written application. If not designed by the SMU Engineer, the SMU Engineer shall review the design of the extension, evaluating the prospective demands for service, the capacity of downstream facilities, the orderly development of the particular area, and all criteria necessary to obtain local and state approvals. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
- B. The entity that requests the extension shall pay the entire cost of said extension including construction costs and engineering fees associated with the planning, design, staking, inspection, and administrative services, including required permits. If more than one user is involved, the entire cost shall be divided among these users, as they mutually agree to. If there is no mutual agreement, the SMU may assess all cost to the users according to the accepted assessment policies and as detailed in an engineering report prepared for the project.

§ 363-33. Connection Charge.

Future users connecting to the sewer system shall pay a connection charge. This connection charge must be paid in full prior to connecting to the sewer system. This charge is in addition to a plumbing or building permit fee and shall be paid at the time a permit is issued.

§ 363-34. Additional Authority.

The SMU may at any time establish specific connection charges for any main not covered by any other provisions in this Ordinance. It is further provided that the SMU may amend or alter any connection charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolution.

§ 363-35. USE OF THE PUBLIC SEWERAGE SYSTEM

A. Prohibitions Against Discharge.

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

- (1) Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer is prohibited. Such waters may only be discharged to a storm sewer or other waterway with permission of the SMU.
- (2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil, or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.

- (3) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.
- (4) Any waters or wastes having a pH lower than 5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel or the wastewater facility.
- (5) Any waters or wastes having a pH in excess of 10.
- (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Any discharge into the sanitary sewerage system that is in violation of the requirements of NEW Water Ordinances and/or WPDES Permits and the modifications thereof.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit or cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (9) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease. Furthermore, all restaurants are required to install and maintain grease interceptors as defined in accordance with the Wisconsin Plumbing Code.
- (10) 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.
- (11) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by NEW Water or the SMU for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the SMU.
- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by SMU in compliance with applicable State or Federal regulations.
- (14) Quantities of flow, concentrations, or both which constitute a slug load as defined herein.
- (15) Incompatible pollutants 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.

- (16) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause:
 - (a) Unusually high BOD₃, chemical oxygen demand or chlorine requirements, such as, but not limited to; whey, in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual flow or concentrated wastes constituting a slug load 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).

B. Septage Disposal.

No person or licensed disposer shall dispose of septage (holding tank or septic tank waste) into any storage area or sewer manhole located within the SMU without written approval of the SMU.

C. Permit Required.

It shall be unlawful to discharge to any natural waterway within the SMU or in any area under the jurisdiction of the SMU any sewage or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

§ 363-36. Specific Sewer Rate Development and Charge Methodology

The following terms shall have the following meanings under this Ordinance:

DEBT SERVICE CHARGES - shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system.

NORMAL DOMESTIC STRENGTH WASTEWATER - shall mean wastewater with concentrations less than 265 mg/1 BOD, 250 mg/1 suspended solids, 7.5 mg/1 phosphorus, and 50 mg/1 TKN.

NORMAL USER - shall be a user whose contributions to the wastewater treatment system consist only of normal domestic-strength waste originating from a house, apartment, condominium, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

OPERATION AND MAINTENANCE COSTS - shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flows, shall be divided equitably among the various sewer users.

SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as operation and maintenance costs, including replacement of said facilities.

TKN (TOTAL KJELDAHL NITROGEN) – The total quantity of free ammonia and organic nitrogen compounds as determined by standard laboratory procedures in accordance with Wisconsin Administrative Code §NR 219.

TP (TOTAL PHOSPHORUS) – The total quantity of phosphorus in *wastewater* as determined by standard laboratory procedures in accordance with Wisconsin Administrative Code §NR 219.

TSS (TOTAL SUSPENDED SOLIDS) – The total quantity of suspended solids as determined by standard laboratory procedures in accordance with Wisconsin Administrative Code §NR 219.

A. Rate Policy.

It shall be the policy of the Commission to obtain sufficient revenues to pay the debt service costs and the costs of the operation, maintenance, and replacement of the sewerage facilities through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage facilities pays a proportionate share of the cost of such facilities.

B. Reassignment of Sewer Users.

The SMU will reassign sewer users into appropriate Sewer Service Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

C. User Charge Methodology.

The following methodology shall be used to calculate the debt service and Operations, Maintenance, and Repairs (O, M & R) charges for the treatment of SMU and outside wastewaters.

- a. Debt Service Charges. The debt service cost shall be paid on the basis of connection charges and user charges. Except for debt service monies collected through connection charges, all remaining debt service charges shall be collected through user fees on the basis of a cost per 1,000 gallons of usage. This shall be calculated by allocating the debt service costs to the various loading parameters and dividing this cost by the annual loadings for each parameter.
- b. Operations, Maintenance, and Repairs (O, M & R) Charges. O, M & R charges for the collection system and NEW Water charges shall be segregated into "fixed costs", those costs that are independent of volume and strength parameters, and "variable costs", those costs that are volume and strength related.

- i. The "fixed costs" shall be paid for by a base meter charge imposed upon all connections to the system.

- ii. The annual base meter charge shall be as follows:

$$\text{BMC} = \frac{\text{FC}}{\text{EMU}}$$

Where:

BMC = Annual Base Meter Charge for a 5/8 to 3/4-inch Equivalent Water Utility Meter

EMU = Total Number of 5/8 to 3/4-inch Equivalent Meter Units Discharging to the Sewer System

FC = Annual Fixed O, M & R Cost for the Sewerage System

- iii. The "variable costs" shall be paid by all customers on the basis of a cost per 1,000 gallons of usage. The "variable costs" shall be allocated to the respective billing parameters; flow, BOD, SS, P, and TKN. This allocated cost is then divided by the total annual loadings to obtain the unit cost per billing parameter. These unit costs are then applied to "normal users" on the basis of a cost per 1,000 gallons of metered water use or wastewater discharged at a strength of 265 mg/1 BOD, 250 mg/1 SS, 7.5 mg/1 P, and 50 mg/1 TKN. High strength dischargers shall pay a surcharge per pound for wastes exceeding those concentrations.

§ 363-37. CONTROL OF INDUSTRIAL AND SEPTAGE WASTES

A. Industrial Discharges.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers and contain substances or possess the characteristics enumerated in 363.44 above and which, in the judgment of the SMU, 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 SMU 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 rates 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 363- 45 B. above.
- (5) Require approval from NEW Water prior to accepting the discharge.

B. Control Manholes.

- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his or her wastes, including domestic sewage.
- (2) Control manholes or access facilities shall be located and built in a manner acceptable to the SMU. If measuring devices are to be permanently installed, they shall be of a type acceptable to the SMU.
- (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at his or her expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes, metering stations, or access facilities and related equipment shall be approved by the SMU prior to the beginning of construction.

C. Metering of Waste.

Devices for measuring the volume of waste discharged may be required by the SMU if this volume cannot otherwise be estimated. Where required by the SMU, metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following approval installation, and testing, such meters may not be removed without the consent of the SMU.

D. Waste Sampling.

- (1) Industrial wastes 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 as often as may be deemed necessary by the SMU.
- (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 SMU.
- (3) Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the SMU. Access to sampling locations shall be granted to the SMU or its duly authorized representative 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. SMU may require that an authorized SMU representative be present during sampling.

E. Pretreatment.

When required, in the opinion of the SMU, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment facility, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render the wastes acceptable for admission to the public sewers.

F. Grease and/or Sand Interceptors.

Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. Furthermore, grease interceptors shall be provided by restaurant dischargers. In the maintaining of these interceptors, the discharger 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 SMU. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.

G. Analysis.

- (1) All measurements, tests, and analyses of the characteristics of waters or wastes 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 or updated versions thereto). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the SMU.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his or her agent, as designated and required by the SMU. The SMU may also make its own analyses of the wastes and these determinations shall be used as a basis for

charges. If the person discharging the waste contests the determination, the SMU may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the SMU and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

H. 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 SMU prior to the start of the construction if the effluent from such facilities is to be discharged into the public sewers.

I. Submission of Basic Data.

All customers that discharge industrial wastes to the SMU's public sewer system shall prepare and file with the SMU a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater system.

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

J. Extension of Time.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the Commissioners.

§ 363.38 Disposition of Revenue.

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a Sewer Enterprise Fund account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the SMU, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with NR 162.11. Any surplus outside the purview of NR 162.11, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the SMU may resolve to pledge each surplus or any part thereof for any such purpose.

§ 363-39. VIOLATIONS AND PENALTIES

A. Damages.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. Written Notice of Violation.

Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by the SMU 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 violation.

C. 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 a fine, pay the amount required to cover damages.

E. Liability to SMU for Losses.

Any person violating any provision of this Ordinance shall become liable to the SMU for any expense, loss, or damage occasioned by reason of such violation which the SMU may suffer as a result thereof.

F. Damage Recovery.

The SMU shall have the right of recovery from all persons, any expense incurred by the SMU for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

G. Penalties.

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the SMU or who shall connect a service pipe or discharge without first having obtained a permit therefor; 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 \$50.00 nor more than \$500.00 for each violation and the costs of prosecution. This, however, shall not bar the SMU from enforcing the connection for mandatory hookup. Each day in which said violation continues, shall be deemed a separate offense.

ARTICLE IV. WATER DEPARTMENT AND SERVICES

§ 363-40. Applicability.

The rules, regulations, rate classes and rates set forth in filings with and approved by the PSCW shall govern the provision of potable water by SMU within the Town. All such PSCW approved rules, regulations and rates are on file with the Town and SMU.

§ 363-41. Findings.

- A. The Town finds that the provision of potable water service within its borders is a matter that affects the public health, safety, and welfare of the Town, its citizens, businesses, and others in the surrounding area. The Scott Water Utility was created pursuant to § 66.0827 of the Wisconsin Statutes and encompasses the entire Town.
- B. The Town Board implemented the Scott Water Utility under Resolution No. 2005-11-02. The Board deems it appropriate to combine the water utility with the stormwater utility and sewer district to form SMU.
- C. The cost of operating and maintaining the Town water system, ensuring regulatory compliance, and financing necessary plans, studies, repairs, replacements, improvements and extension thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

ARTICLE V. VALIDITY

§ 363-42. Repeal of Conflicting Ordinances.

All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

§ 363-43. Savings Clause.

If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

§ 363-44. Amendments.

The SMU, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

§ 363-45. Conflict.

If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

ARTICLE VI. EFFECTIVE DATE AND SEVERABILITY

This Ordinance following passage by the Board shall take effect on the day after its publication.

The provisions of this ordinance are severable. If any provision of this ordinance is invalid or if the application of any provision to any person or circumstance is invalid, such invalidity shall not affect the provisions or the applications of such, or the remaining provisions which can be given effect without the invalid provisions or invalid application.

Passed and approved by the Board of the Town of Scott, on the ____ day of _____, 2016.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect the day after passage and publication as provided by law.

Approved and adopted this ____ day of _____, 2016.