

Public Utilities Committee

Tuesday, March 12, 2019

7:00 PM

McFarland Municipal Center
Conference Room A

AGENDA

1. CALL TO ORDER, ROLL CALL.
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Motion to approve the minutes of the November 20, 2018 meeting.
 - b. Motion to approve the minutes of the January 15, 2019 meeting.
4. BUSINESS.
 - a. Discussion on Public Service Commission letter of instructions to municipal utilities regarding credit card fees.
 - b. Discussion and action on setting a POLCO question on whether the Utility should absorb the convenience fee charged by the Payment Service Network.
 - c. Discussion and action to make a recommendation to the Village Board regarding a Sanitary Sewer Backup Manual.
 - d. Discussion and action to make a recommendation to the Village Board regarding the creation of a No Fault Sanitary Sewer Backup Reimbursement Policy.
 - e. Directors Report
5. SCHEDULE NEXT MEETING DATE.
 - a. Tuesday, April 16, 2019 at 6:00 pm.
6. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

VILLAGE OF MCFARLAND
Public Utilities Committee Minutes

Tuesday, November 20, 2018 - 6:00 PM

1. CALL TO ORDER, ROLL CALL.

Mary Pat Lytle called the regular meeting of the Public Utilities Committee to order at 6:00 PM in Conference Room A.

Members present: Member Chris Fredrick, Member Randall Hansen, Member Eric Kryzenske, Member Marc Nielsen, Member Craig Weiss, Village Trustee Stephanie Brassington, Village Trustee Mary Pat Lytle

Staff Present: Matt Schuenke (Village Administrator), Brian Berquist (Town & Country Engineering) and Allan Coville (Director Public Works / Utilities)

2. PUBLIC APPEARANCES.

None at this time.

3. APPROVAL OF MINUTES.

a. Motion to approve the minutes of the October 16, 2018 meeting.

Motion by Brassington to approve the minutes of the October 16, 2018 meeting as amended, second by Weiss, with Marc Nielsen abstaining. Motion carries 6-0-1.

4. BUSINESS.

a. Discussion and action to make a recommendation to the Village Board regarding Amerigas sanitary sewer line connection.

Two representatives from Amerigas were present at the meeting to discuss their property, which is located at 4117 Terminal Drive. They currently are not connected to the Village's sanitary sewer system and instead, they have a concrete holding tank located in the southwest corner of their property along Terminal Drive. The holding tank is cracked and they are having maintenance issues with it. According to the Village ordinance, all properties located within the Village must connect to the sanitary sewer system, which is provided to McFarland by the Madison Met Sewer District (MMSD). Amerigas contacted a plumber to provide estimated costs to connect to the Village's sanitary sewer system. The path for this line to connect to MMSD's system would be approximately 750 feet east to the back of their lot with the grading going uphill. Currently, there is only one full-time person at the Amerigas office so usage is very minimal. The low volume usage combined with the required pipe length, the cost to connect for Amerigas would be extremely high. Therefore, Amerigas is requesting to not connect to the Village's sanitary sewer system. Lytle asked if there's been any prior precedence in the Village. No one on the committee was aware of any prior cases similar to this. Discussion took place regarding the cost to the resident as well as granting further exceptions. It was agreed that exceptions must be dealt with on a case by case basis.

Lytle moved to make a recommendation to the Village Board that Amerigas be granted an exception to the Village ordinance requiring connection to the Village's sanitary sewer system. This exception is being granted due to the minimal usage currently being generated at this location as well as the extensive cost to the customer to connect. This exception will remain in effect as long as usage remains the same and there is no further development on the property.

Motion carries 7-0-0.

b. Discussion and possible recommendation regarding Public Works Director's job description.

Schuenke reviewed and explained the changes to the job description with the Committee.

Motion by Lytle to make a recommendation to the Village Board to approve the Public Works Director's job description with minor changes, second by Craig Weiss. Motion carries 7-0-0.

c. Discussion and possible recommendation regarding Public Works Organizational Chart.

Schuenke reviewed and explained the changes to the Public Works Organizational Chart with the Committee. The Committee expressed concerns over the full-time Parks Superintendent position.

Motion by Lytle to make a recommendation to the Village Board to approve the Public Works Organizational Chart as a draft only, second by Weiss. Motion carries 7-0-0.

Review and discussion regarding the Utility Tax Certification numbers.

The current and historical tax certification numbers were reviewed by the committee.

Non-agenda item: A resident filed a complaint with the Village Board because they had hired a contractor to remove their leaves and bring them to the Village's drop-off site. The resident was told by Public Works this was not allowed.

The Village does not accept brush from contractors, even if they are working on behalf of Village residents. There is no way for the Village to track every contractor and verify that they are only dumping on behalf of a McFarland resident, so no changes to the current ordinance were proposed.

5. SCHEDULE NEXT MEETING DATE.

a. December 18, 2018 meeting was cancelled.

January 15, 2019 at 6:00 pm

6. ADJOURNMENT.

Motion by Stephanie Brassington, second by Craig Weiss, to adjourn at 7:43 pm.

VILLAGE OF MCFARLAND
Public Utilities Committee Minutes

Tuesday, January 15, 2019 - 6:00 PM

1. CALL TO ORDER, ROLL CALL.

Mary Pat Lytle called the regular meeting of the Public Utilities Committee to order at 6:00 PM in Conference Room A.

Members present: Member Chris Fredrick, Member Eric Kryzenske, Member Marc Nielsen, Village Trustee Mary Pat Lytle

Members absent: Member Randall Hansen, Member Craig Weiss, Village Trustee Stephanie Brassington

Staff Present: Matt Schuenke (Village Administrator), Cassandra Suettinger (Village Clerk), Brian Berquist (Town & Country Engineering) and Jim Hessling (Acting Director Public Works/Utilities)

2. PUBLIC APPEARANCES.

None at this time.

3. APPROVAL OF MINUTES.

The November 13, 2018 minutes were not available and will be reviewed at the next meeting in February.

4. BUSINESS.

a. Discussion and action regarding an alternate bid for water main capital improvement projects planned for 2019.

Berquist presented a map and discussed the option of requesting alternate water main replacement bids. These projects were not in the approved 2019 budget, however, there is no cost associated with getting alternate bids and it's prudent to review the timing and cost of optional items. The following alternate bid items were discussed:

- Timber Lane: 10" water main on north portion, but only 8" on the rest of it. Upsize to 10," which would significantly increase fire flow service to this neighborhood. This upsizing from 8" to 10" was not in the budget. There's about 500' of pipe.
- Autumn Lane from Siggelkow to Timber: Upsize to 10," this is also an alternate bid for paving purposes as well. This will be addressed in a combined meeting Public Works on March 12.
- At the end of the meeting, Fredrick asked Berquist to look into whether or not the older properties within the area of construction in 2019 still had lead laterals. To date, Berquist has not seen any remaining laterals recently that still were made with trace elements of lead. However, it was suggested that language be added to the letters to the homeowners to call Public Works if

they need help determining if they have lead pipes or not. It would be the homeowner's expense to replace the water lateral from the property line into their home.

The committee agreed that it makes sense to receive alternate bids for these projects and evaluate when the bids are received.

b. Discussion and possible recommendation to the Village Board regarding the create of a "Sanitary Sewer Backup Exposure Reduction Program."

Minor changes were discussed and made. Verbiage indicating that this plan should be reviewed annually by the committee was added. Next this document will be reviewed by the Public Works staff, Village attorney, and the insurance company. Also, all of the appendices and forms will be included in the next draft to this committee, which will probably occur at the March meeting.

c. Presentation by Public Works Director regarding monthly department report.

Hessling presented a report on activities that occurred in December 2018.

Discussion and action regarding the position description for the Office Manager position within the Public Works department..

Schuenke presented recent changes to the proposed Office Manager position. The title was changed to Assistant to the Public Works Director. The primary reason for the change was to incorporate feedback from the committee members to expand the job description and job title to encompass a broader scope of duties. These duties continue to include administrative and financial responsibilities for Public Utilities, but also include assisting the Public Works Director with daily duties involving solid waste, parks, and general public works projects. Nielsen suggested careful tracking of hours to ensure proper allocation of expenses across funds. Schuenke confirmed time tracking is currently being utilized for budget and actual reporting purposes, and will continue to be an area of focus.

Lytle moved to approve the job description for Office Manager with the proposed changes. Fredrick 2nd. Motion Approved 4-0-0.

5. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, February 19, 2019 at 6:00 pm.
- b. Tuesday, March 12, 2019 at 6:00 pm – Joint meeting with the Public Works

Committee.

6. ADJOURNMENT.

Fredrick moved to adjourn the meeting. Kryzenski 2nd. Motion Approved 4-0-0.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Tuesday, March 12, 2019

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion on Public Service Commission letter of instructions to municipal utilities regarding credit card fees.

PREVIOUS ACTION:

None.

ISSUE SUMMARY:

The Public Service Commission has issued an update on Municipal Utilities ability to include credit card processing fees as part of their operating budget. Currently, the Village passes the cost of the transaction directly onto the customer. Those costs range from \$1.00 to 2.75% of the total cost depending on the transaction type.

FINANCIAL/BUDGET IMPACT:

The 2018 service fee costs to McFarland Utility Customers was \$4,206.00. Customers of the Utility paid this expense in order to have their payments processed online.

VILLAGE PLAN REFERENCE:

N/A

ORDINANCE REFERENCE:

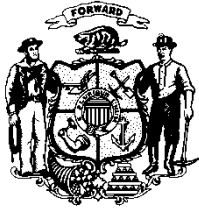
N/A

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for discussion. In theory, shifting the fee to the "business" makes the payment process more efficient for the "customer" and in doing so reduces the number of physical deposits the Village has to make. It is unknown to what level the expense would increase should this fee be absorbed by the Utility but it should be expected to increase if we did go this route.

ATTACHMENTS:

1. Direction to Municipal Utilities Regarding Credit Card Fees v10_0



Public Service Commission of Wisconsin

Ellen Nowak, Chairperson
Mike Huebsch, Commissioner
Rebecca Cameron Valcq, Commissioner

4822 Madison Yards Way
P.O. Box 7854
Madison, WI 53707-7854

January 25, 2019

Re: Direction to Municipal utilities regarding credit cards fees.

Dear: All Municipal Utilities

The Public Service Commission of Wisconsin (Commission) recently authorized Superior, Water, Light and Power (SWL&P) and Wisconsin Power and Light (WP&L) to recover the costs of credit card processing fees in the operations and maintenance (O&M) budget, rather than directly assess the credit card fees to customers. The related dockets are docket 5820-UR-115 ([PSC REF#: 357509](#)), docket 6680-TE-103, and docket 6680-TG-108 ([PSC REF#: 355685](#)).

When customers choose to pay their utility bills via credit card, they are required to pay a transaction fee associated with processing the credit card payment. Historically, the Commission has disallowed credit card processing fees to be included in the O&M budget for all investor-owned and municipal utilities and the costs have instead been borne by the customers requesting to pay their bills via credit card. In the dockets above, SWL&P and WP&L proposed including these costs in the O&M budget so that customers could pay their bills via credit card without incurring a separate credit card processing charge.

Due to the increased acceptance and use of paying bills via electronic funds, the Commission granted the utilities' requests to approve the recovery of credit card fees in the O&M budget. ([PSC REF#: 355880](#), [PSC REF#: 355685](#), [PSC REF#: 355706](#)) As other utilities have expressed interest in adopting tariffs similar to SWL&P and WP&L, the Commission, through its delegation authority, also determined that if additional utilities propose tariff changes that are substantially similar to the changes requested by SWL&P and WP&L, these subsequent requests can be approved for electric and natural gas rates by the Administrator of the Division of Energy Regulation, and in base water rates to the Administrator of the Division of Water, Telecommunications and Consumer Affairs.

At the current time, utilities have two options should they wish to accept credit card payments for utility service without charging a credit card processing fee to the customer:

1. Rate Case. If a utility would like to recover the costs of credit card processing fees in its O&M budget, the utility could request this in its next rate proceeding.

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2. No rate recovery. If a utility would like to stop direct assessing customers credit card processing fees immediately and no tariff change is required, the utility may do so, but no recovery of these costs would be allowed in its O&M budget until the utility's next rate proceeding. In this instance, the utility would use its surplus to cover credit card processing costs.

Additional instructions will be provided to utilities in the future on how to request recovery of credit card fees outside of a rate proceeding.

Sincerely,

Martin R. Day
Division Administrator
Division of Energy Regulation

Andrew P. Galvin
Acting Division Administrator
Division of Water, Telecommunications and
Consumer Affairs

MD:CNS:DL:01670016



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Tuesday, March 12, 2019

SECTION: Business

DEPARTMENT: Administration

CONTACT: Cassandra Suettinger, Village Clerk/Treasurer

AGENDA ITEM: Discussion and action on setting a POLCO question on whether the Utility should absorb the convenience fee charged by the Payment Service Network.

PREVIOUS ACTION:

None.

ISSUE SUMMARY:

The Village currently subscribes to POLCO a service that allows the Village to solicit input from Village residents on various questions. The Village Board has charged staff and Committees with utilizing this service to provide more resident feedback in 2019. This item is offered as an opportunity to get input from the public on passing the service fee on and absorbing the fee within the current utility operating budget.

Possible question:

Do you want the McFarland Utility to pay for the fees associated with the use of credit cards by customers to pay their utility bill?

Staff can work with POLCO to frame the question but that would be the general idea. We would report the results back to the Committee at the next meeting. However, if there is no interest in absorbing the fees to begin with then we just would not ask the question.

FINANCIAL/BUDGET IMPACT:

No cost to ask the question.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:



If the Committee wants to consider in the future taking action to make a recommendation to the Village Board that the Utility will absorb these fees, then it is recommended to ask this question in order to get more feedback from the public.

If the Committee has not interest in wanting to have the Utility absorb these fees, then the question does not need to be asked.

ATTACHMENTS:

None



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Tuesday, March 12, 2019

SECTION: Business

DEPARTMENT: Public Works

CONTACT: Matt Schuenke, Village Administrator, Jim Hessling, Assistant Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding a Sanitary Sewer Backup Manual.

PREVIOUS ACTION:

At our last meeting in January we reviewed a draft of the base manual pending further review and completion of appendices.

ISSUE SUMMARY:

The Committee has previously discussed creating a manual to assist Staff in addressing sanitary sewer backups when they occur. Included within your packet is the manual updated for McFarland based on the draft circulated at the last meeting updated to include all appendices (except Appendix A) and following review by the Village Attorney, Insurance Company, and Village Public Works Employees. The intent of this document is to be descriptive, consistent, and responsive when these situations do occur. Our objective for Tuesday is to review this document as the complete manual for these types of situations, and if agreeable then make a recommendation to the Village Board.

The Committee will also take into account its prior action to approve the No Fault Self-Insurance Policy as part of the next agenda item.

The Public Works Committee will review these documents as well as part of their own recommendation to the Village Board that will be considered in April.

FINANCIAL/BUDGET IMPACT:

Most additional costs with this program will be absorbed within existing operating budgets and worked into existing response protocols for these situations. Existing budget levels within the Utilities Fund for sanitary sewer service are sufficient for this purpose.

VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:



None.

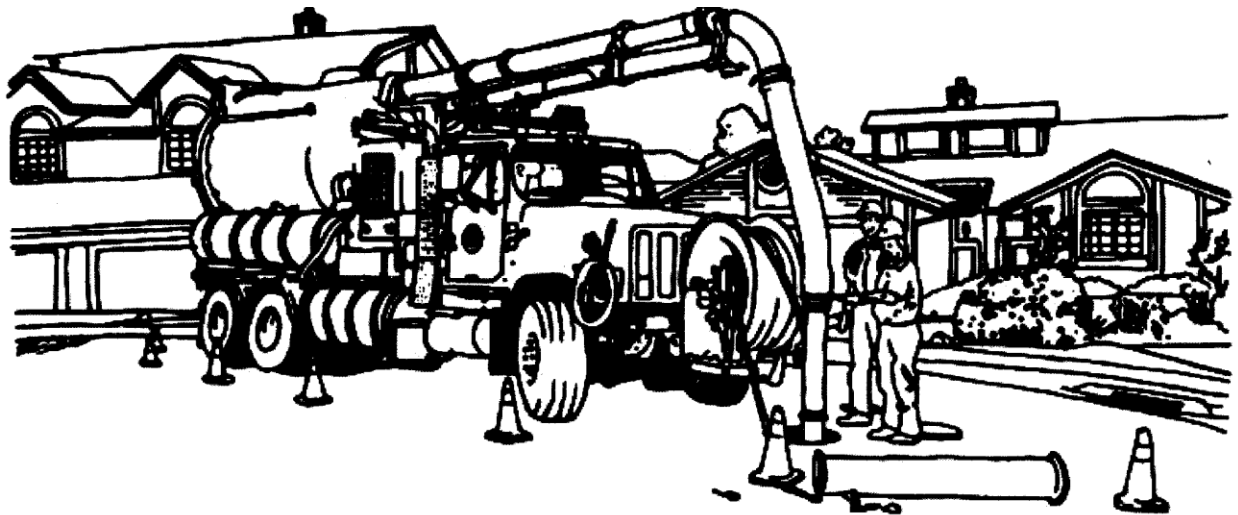
BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommend consideration by the Committee in order to make a recommendation to the Village Board.

ATTACHMENTS:

1. Sewer Backup Manual 03072019 mgs REDLINE
2. Sewer Backup Manual 03072019 mgs CLEAN

VILLAGE OF **McFarland**



SANITARY SEWER BACKUP ~~EXPOSURE~~ REDUCTION PROGRAM

Public Works Department

Adopted March 25, 2019

Section 1 *OVERVIEW*

~~The McFarland Public Works Department ("Public Works") has a responsibility to maintain the sanitary sewer system to protect public and private property that may be damaged in the case of sanitary sewer backups and to reduce exposure to costly claims and litigation. The McFarland Sanitary Sewer Backup Reduction Program is intended to establish preventative maintenance procedures to minimize the likelihood of a sewer backup and to minimize the damage that may be caused when such a backup occurs. The goal of this program is to provide for the design and maintenance of the public sanitary sewer facilities to maximize their proper functioning, to promptly address any obstructions or damage to the system, to provide information and assistance to sewer utility customers in reducing the risk of backups in their own sewer facilities and in responding to any backups that do occur.~~

~~Public Works has a duty of care to assure that...~~

- ~~1) ...its sanitary sewers have been correctly designed and installed to the best of their knowledge;~~
- ~~2) ...the sanitary sewer system is adequately maintained through planned inspections and repair as appropriate and necessary; and~~
- ~~3)1) ...an emergency response plan is in place in the unfortunate event a sanitary sewer blockage and/or backup were to occur.~~

The provision of sanitary sewer services is governed locally under Chapter 47 of the Village of McFarland ("Village") Code of Ordinances. The enforcement of the provisions of the sewer use ordinance and the application of this Program will reduce the likelihood of damage to the public sewer system and the private and public properties it serves.

Section 2 *SANITARY SEWER BACKUP PROGRAM*

~~It is the accepted responsibility of Public Works to adequately~~It is the Village's policy to preserve the integrity of its municipal sanitary sewer system, by keeping. ~~Sanitary sewers, to the extent that the Department is able, must be kept~~its facilities in good condition and repair ~~that are~~and free from obstructions that may hinder the system efficiency and cause damage, financial loss, or inconvenience. The contents of this manual and the program that it entails is designed to reduce the ~~exposure to the Village regarding possible~~potential for the Village's system to cause or contribute to backups that threaten the public health and damage to property, along with the potential responsibility of the Village for the resulting costs.~~damage caused by the sanitary sewer program were reviewed~~ The program and this manual have been adopted and recommended by the McFarland Public Utilities Committee, and has been adopted as Village policy by resolution of the Village Board. ~~Further, the Village Board took action to accept this recommendation and authorized the use of this program via resolution that is contained within this manual as Appendix A.~~

Section 3 *PREVENTATIVE MAINTENANCE GUIDELINES*

A. System Design.

New sanitary sewer system components ~~are~~will be designed by qualified engineers and installed in accordance with accepted engineering specifications. Installations shall be inspected by a professional engineer or the Village Building Inspector as appropriate. Repairs or improvements to existing sanitary sewer lines must use PVC pipe or other ~~similar~~ high-quality, durable material approved by the Village upon recommendation of the Village Engineer.

B. Sewer Use Ordinance

The Village's ~~has a~~ Sanitary Sewer Use Ordinance (Appendix B, Chapter 47 of the McFarland Municipal Code) ~~that~~ requires the installation of back-flow prevention ~~assemblies-devices~~ in all new construction, and ~~requires installation of back-flow blow preventers~~ on the lowest drains of all existing buildings. All restaurants, laundromats, and other ~~appropriate~~ commercial facilities that discharge fats, oils and greases are required to install grease traps. ~~All~~ property owners are prohibited from directing sump pumps and downspouts into the sanitary sewer system. ~~The specific requirements regarding the use of the sanitary sewer system are contained within Article III of Chapter 47 the Public Utilities Code.~~

C. Preventative Inspections, Cleaning, and Maintenance

The Director of Public Works is responsible for establishing a program for routine inspection and maintenance of public sanitary sewer mains, lift stations and other facilities. ~~The sanitary sewer inspection and cleaning program~~ should include, where practicable, a schedule to be followed ~~should include for:~~

- Periodic cleaning of the sanitary sewer lines, with emphasis on any portions of the system that have historically required more frequent cleaning. ~~on a frequent basis.~~
- Periodic televising of the sanitary sewer lines on a ~~frequent~~ basis to identify potential obstructions, reduced flow capacity, damage or potential sources of infiltration and inflow.
- Periodic cleaning of all Village owned lift stations. ~~on a frequent basis.~~

The frequency and ~~matter-manner~~ in which inspection and cleaning is completed, shall be determined by the Public Works Director based on the availability of budgeted resources, necessary outside services, and technology as appropriate. The Public Works Director will make decisions based after considering on the recommendation of the Village Engineer and upon approval of the Village Board and or Public Utilities Committee ~~as might be needed when required.~~

Section 4 *SEWER BACKUP RESPONSE PROCEDURES*

A. Office Response to a Citizen Report.

Proper response by Public Works personnel when a property owner reports a sanitary sewer back up problem can greatly minimize ~~anguish~~customer anxiety and property loss from such incidents. Any customer reporting a backup-stressed caller should shall be treated with consideration and empathy. The employee receiving the call should ~~be accepted in order to~~ gather the following information:

- The location of the backup and the name and phone number of the individual making the report.
- If available, the contact should be immediately referred to a Supervisor for further response.
- ~~Clear information from Public Works personnel as to when the~~The individual ~~making the report~~reporting the backup should be contacted as soon as possible and advised of the planned response and when the responsive action should be expected-a response and to what extent.

B. Field Response to a Sanitary Sewer Backup.

Timely action taken by field personnel will vary, depending upon the situation. It is vital that the individual who reported the backup be ~~met calmly~~treated professionally, and that full respect is shown for the owner's property and possessions.

Public Works personnel shall ~~conduct~~take the following steps:

- Take all necessary ~~steps~~actions to determine the cause of the sanitary sewer backup.
 - Check the flow in the manholes above and below the backup location.
 - If necessary, televise the lines to find and help document the problem.
- Quickly arrange to correct the problem if it is determined to be in the main lines:
 - If a blockage has caused the sanitary sewer backup, remove the cause of the blockage.
 - ~~If possible, televise the lines to find and help document the problem.~~
 - Never ~~discuss matters of legal claims or~~speculate as to liability for damage. Legal liability depends on a number of factors, and cannot be determined solely from a field inspection. R-refer these-any inquiries regarding legal issues or financial responsibility to an available Supervisor.

- If the sanitary sewer blockage ~~problem was is located~~ in the lateral line, clearly explain to the user that the maintenance of the lateral line is the responsibility of the property owner and that they must complete the repair.

~~Suggest Provide information regarding local area plumbing/sewer line repair companies that could possibly help, but do not make recommendations.~~

Section 5 *SANITARY SEWER BACKUP INVESTIGATIONS*

Documented sanitary sewer backup incident investigations are important for preserving the integrity of the sanitary sewer system, for providing insurance coverage information, and for reducing the risk of litigation against the Village.

- Accurate information helps the municipality's insurance carrier investigate and resolve any claims. If a ~~Claims Examiner is contacted by a Claimant,~~ claim is filed against the Village, it is critical that ~~they have been prepared with~~ with the claims adjuster have accurate information about the incident.
- All sanitary sewer backup investigations should be documented and reported to the Public Works Director as soon as practicable.
- The Public Works Director shall review and compile any backup reports for filing with the Village's insurance carrier upon consultation with the Village Administrator and Clerk/Treasurer as is appropriate.

Section 6 *SANITARY SEWER BACKUP EMERGENCY RESPONSE PLAN*

~~An~~ The Public Works Director shall prepare an emergency response plan ~~should be developed~~ to assure the ~~at applicable appropriate~~ personnel are prepared to take timely and efficient action in the case of a sewer backup incident. The plan should include at least the following:

- Primary response personnel ~~shall include~~ including names, titles, and emergency phone numbers.
- Backup personnel to be contacted should those in primary positions be unreachable.
- Police and Fire/Rescue Department phone numbers (non-emergency).
- Specialty contractor information that may be needed for plumbing/sewer line repair, cleaning or engineering consultation.

- Names and telephone numbers of any regulator or environmental agency that should be informed of a sanitary sewer backup or wastewater problem.
- ~~System protection, including an~~A emergency power ~~failure~~ backup system ~~should be in place, as well as and~~ a failure alarm system for all lift stations, or sewer pump stations ~~should be in place.~~
- ~~A~~System alarms should ring to a staffed location or 24-hour “on-call” phone, pager or other communication system monitored by an emergency response employee.
- ~~£~~The emergency response plan shall be reviewed and approved by the Public Utilities Committee at least annually with recommended changes ~~recommended~~ presented at time of review.

Section 7 *EDUCATION AND TRAINING*

A. Employee Qualifications and Training.

Employees along with some contractors are trained in the Village’s sanitary sewer system. Training can be in several forms, including but not limited to, formal education, various seminars, schooling, licensure, safety and ~~hands-on~~work experience. The Public Works Director shall be responsible for ~~with~~ ensuring proper training is provided to the Department based on the availability of resources.

B. Community Education.

Community education can come in several forms. It is the Village’s intention to provide this information on its website and possibly other social media outlets. This type of information will also be included with the “new resident packets” for all newly constructed homes and businesses. Public Works is further encouraged to ~~partner~~ maintain dialogue with the Communications and Technology Department to inform the public of these issues using ~~a~~ diverse media opportunities to do so.

Among other ~~facts of interest~~relevant information, the ~~information—public communication~~ provided should explain:

- ~~What may cause~~The causes of sanitary sewer backup ~~problemssituations.~~
- ~~How~~Steps to help prevent sanitary sewer backup incidents, such as ~~by~~ avoiding the deposit of grease, bulky non-soluble items down household toilets, and/or potential tree root intrusions.

- ~~Not~~ Risks created by putting various waste items ~~labeled as flushable wipes~~ down the ~~a~~ toilet, and alternative disposal through regular trash collection. ~~These items should be discarded in the weekly trash.~~
- The value of back-flow preventers for below-ground building ~~levels and~~ drains, and recommendations for periodically inspecting ~~them~~ ons.
- ~~How and where~~ Options available to report a sanitary sewage backup problem.
- ~~Suggestions regarding~~ Recommendations to consider the purchase of sanitary sewer backup endorsements on homeowner insurance policies ~~through an insurance agent.~~

Appendices *Program Support Documents*

Appendix A Village Board Resolution Approving Program.

[Appendix B Article III – Sanitary Sewer System \(Village Code of Ordinances\)](#)

Appendix C Sanitary Sewer Backup Intake Report

Appendix D Sanitary Sewer Backup Field Assessment

Appendix E Sanitary Sewer Backup Follow Up Investigation

Appendix F Public Works Contact Information

[Appendix G Information for Homeowners and Residents](#)

ARTICLE III. - SANITARY SEWER SYSTEM

DIVISION 1. - GENERALLY

Sec. 47-76. - Introduction; general provisions; compliance with rules.

- (a) This Article regulates the use of public and private sewers and drains, connections to the public sewerage system, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village. It also provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, and other discharge criteria, which are required or authorized by the state or federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sewerage system.
- (b) This Article provides a means for regulating the use of the public sewers, effectuating connections thereto, 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 Article shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Article shall supersede any previous ordinances, rules or regulations of the Village relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Article. If there is any conflict between this Article and any applicable Wisconsin Statutes, the Wisconsin Statutes shall control in such instance.
- (c) All persons now receiving sewer service from the Village Sewer and Water Utility or who may hereafter make application therefor shall be considered as having agreed to be bound by rules and regulations as filed with the Wisconsin Public Service Commission.

(Code 1998, § 9-2-1)

Sec. 47-77. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Actual customer.* The number of water meters serving a user. If a user's water consumption is not metered, the Director shall estimate the number and size of the water meters that would otherwise be required to measure such consumption. The Director's estimate shall be in accordance with generally accepted engineering practices.
- (b) *Applicable pretreatment standard.* That most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any federal, state or local governmental entity) and incorporated in this Article, which applicable pretreatment standard shall be complied with by nondomestic wastewater users of the sewerage system.
- (c) *Building drain.* That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer.

- (d) *Building sewer*. A sanitary sewer that begins at the immediate outside of the foundation wall of any building being served and ends at its connection with a community sewer or interceptor.
- (e) *Carbonaceous biochemical oxygen demand (CBOD)*. The quantity of oxygen used in the biochemical degradation of organic material in five days at 20 degrees Celsius when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with standard methods.
- (f) *Combined sewer*. A sewer designed to receive or receiving both wastewater and stormwater or surface water.
- (g) *Commission of the Madison Metropolitan Sewerage District*. As defined and with such powers as set forth in Wis. Stats. § 200.09 as amended from time to time.
- (h) *Commissioners*. The Commissioners of the District.
- (i) *Community or Municipality* shall mean the Village.
- (j) *Community sewer*. Any sanitary sewer owned and/or operated by the Village, which sewer is tributary to an intercepting sewer or treatment facility owned or operated by the District.
- (k) *Compatible pollutant*. Biochemical oxygen demand, suspended solids, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
- (l) *Composite sample*. A sample consisting of portions of waste taken in proportion to the volume of flow of said waste.
- (m) *Director*. The Director of the District or other authorized representative of the Commission or District.
- (n) *District*. The Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by the Commission.
- (o) *Domestic wastewater or sanitary sewage*. A combination of liquid and water-carried wastes and wastewater discharged from toilets, conveniences or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Section 47-107 and which contain no substances prohibited by the terms of this Article.
- (p) *Equivalent meters*. The number of equivalent five-eighths-inch meters and shall be based on the following:

Meter Size	Number of Equivalent 5/8 -inch Meters
5/8 -inch	1
¾-inch	1
1-inch	2.5
1¼-inch	3.7
1½-inch	5

2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	120
12-inch	160

Where a user does not have a water meter for measuring the user's water consumption, the Village Director of the Public Works shall estimate the number and size of water meters that would otherwise be required to serve that user, based upon standard engineering practices; and the equivalent meters shall then be determined on this estimate.

- (q) *Federal Act.* The Federal Water Pollution Control Act (33 USC 1251 to 1387, as amended from time to time, et seq.) or as implemented by Wis. Stats. § 283.001 et seq., or appropriate Sections of the Wisconsin Administrative Code adopted pursuant to Wis. Stats. § 283.001 et seq., as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.
- (r) *Floatable oil.* Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated and does not interfere with the collection system.
- (s) *Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.
- (t) *Holding tank waste.* The scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities and shall include wastes from a soil absorption field. Such term is synonymous with the term "septage." The term does not include the waste from a grease trap.
- (u) *Incompatible pollutant.* Any pollutant that is not a compatible pollutant.
- (v) *Industrial discharge or industrial waste.* Any water-borne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including, but not limited to, cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.
- (w) *Industrial user.* Any commercial or industrial user who makes, causes or permits an industrial discharge into the District's wastewater facilities.
- (x) *Intercepting sewer.* Any sanitary sewer owned or operated by the District.

- (y) *Interference*. The inhibition or disruption of the sewerage system or wastewater treatment processes or operation may or does contribute to a violation of any condition of the District's WPDES Permit.
- (z) *May*. The term is permissive.
- (aa) *National Categorical Pretreatment Standards*. Any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 USC 1317), which limitations apply to one or more specific categories of industrial users.
- (bb) *Natural outlet*. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (cc) *New source*. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 USC 1317) categorical pretreatment standard, which will be applicable to such source.
- (dd) *Person*. Any individual, firm, company, partnership, municipality, association, private or public, corporation, cooperative, society, institution, enterprise, government agency, or other entity.
- (ee) *Pretreatment*. The reduction of the amount of pollutants, the limitation of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.
- (ff) *Properly shredded garbage*. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- (gg) *Public sewer*. A sewer owned and maintained by the Village.
- (hh) *Public sewerage system*. All structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served and excepting building sewers.
 - (ii) *Sanitary sewage*. A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may have inadvertently entered the sewerage system.
 - (jj) *Sanitary sewer*. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions.
 - (kk) *Septage*. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
 - (ll) *Sewer*. A pipe or conduit that carries wastewater or drainage water.
- (mm) *Sewer service charge*. A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.
- (nn) *Sewer system*. The public sanitary sewers within a sewerage system. The facilities that convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Village. Lift stations or pumping stations and all appurtenances thereto are included in this definition. For example, a Building Sewer is not part of the sewer system.

- (oo) *Shall*. The term is mandatory.
- (pp) *Significant industrial contributor*. A user that has a discharge flow that:
 - (1) Is greater than 25,000 gallons on any day of the year;
 - (2) Is greater than five percent of the total flow rate or design compatible pollutant loading received at the municipal wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Wis. Admin. Code Ch. NR 211; or
 - (3) Has been notified in writing by the Wisconsin Department of Natural Resources, the District or any municipality within the District that it is necessary to provide information concerning the concentration and quantity of the pollutants discharged.
- (qq) *Slug load*. Any substance released at a discharge rate and/or concentration that causes interference to the wastewater treatment processes.
- (rr) *Standard methods*. The analytical procedures performed in accordance with 40 CFR 136, or as the U.S. Environmental Protection Agency otherwise determines.
- (ss) *Storm drain*. Any device for the drainage of stormwater from land or the protection of land from water, including open ditches, tiles, pipelines, pumps and levees.
- (tt) *Stormwater runoff*. That portion of the rainfall that is collected and drained into the storm sewers.
- (uu) *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 nonfilterable residue.
- (vv) *Total Kjeldahl nitrogen (TKN)*. The quantity of organic nitrogen and ammonia as determined in accordance with standard methods.
- (ww) *Total phosphorus (TP)*. The quantity of total phosphorus as determined in accordance with standard methods.
- (xx) *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.
- (yy) *User*. Any person who discharges, or causes to be discharged, domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.
- (zz) *User charge*. The charges levied on the District customers, municipalities and/or users of the wastewater facilities for the cost of operation, maintenance and replacement of such wastewater facilities. The user charge is a component of the sewer service charge.
- (aaa) *Wastewater facilities*. The District's structures, equipment and processes that are designed to collect, carry and treat domestic wastewater and industrial discharges.
- (bbb) *Wastewater parameters*. Volume, CBOD, suspended solids, total Kjeldahl nitrogen, total phosphorus, actual customers, equivalent meters and such additional parameters as may, from time to time, be determined by the District.
- (ccc) *Wastewater treatment plant*. The District's arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with "wastewater treatment" or "wastewater treatment works" or "water pollution control works."
- (ddd) *WPDES permit*. The District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stats. § 283.001 et seq.

(Code 1998, § 9-2-2)

State Law reference— Definitions, Wis. Stats. § 283.01.

Sec. 47-78. - Application for service.

- (a) Application for permission to connect a building sewer to a community sewer shall be made to the Village sewer utility on a form furnished by the sewer utility. The application must describe fully and truthfully all the wastes, which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. By submitting such an application, all users are deemed to have agreed to be bound by this Article, as amended from time to time.
 - (1) The application shall include at least the following information:
 - a. Name of property owner;
 - b. Legal description of property being served;
 - c. The number and type of plumbing fixtures to be connected.
 - (2) If it appears that the service applied for will not provide adequate service for the contemplated use, the Public Utilities Committee may reject the application. If the Public Utilities Committee approves the application, it shall issue a connection permit as shown on the application. No service shall be provided or application approved without prior payment of all applicable fees.
- (b) The applicant shall agree to install the building sewer in accordance with sewer utility and District specifications. No building sewer may be connected to a community sewer unless the community sewer is adequately sized to transport the additional flow. The size and kind of pipe for the building sewer shall be subject to the approval of the Director of Public Works, but in no case shall a pipe of less than four-inch diameter be used. The slope of the building sewer shall be no less than one-eighth-inch per foot. Such sewers shall be backfilled in the manner for water laterals as set forth in this Code. Prior to connection, each building sewer shall be inspected and approved by the Village Plumbing Inspector. All applications for disposal of industrial waste shall be on forms provided by the District and shall be approved by the Director of the District prior to connection to any community sewer.

(Code 1998, § 9-2-3)

Sec. 47-79. - User charge system.

- (a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:
 - (1) *Debt service charges.* All costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
 - (2) *Normal domestic strength wastewater.* Wastewater with concentrations of CBOD, suspended solids, TKN, and total phosphorus no greater than 200, 250, 40 and ten milligrams per liter (mg/l) respectively.
 - (3) *Normal user.* A user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person constituting a distinct household, business or commercial enterprise.
 - (4) *Operation and maintenance costs.* All costs associated with the operation and maintenance of the sewerage system.
 - (5) *Replacement costs.* All costs necessary to replace equipment as required to maintain capacity and

performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used for only replacement of equipment.

- (b) *Policy.* It shall be the policy of the Village to obtain sufficient revenues to pay the costs of operation and maintenance of the sewerage system, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the costs of such facilities.
- (c) *Basis for charges.*
- (1) *Determinations of charges.* Sewer service charges to each user shall be based on wastewater parameters recommended from time to time by the Public Utilities Committee and adopted by the Village Board. The sewer service charges shall consist of the sum of the annual debt service charges, all annual operation and maintenance costs, all replacement costs, and all sewer service charges levied or assessed to the Village by the District, plus an amount to be used for working capital and capital improvements as determined by the Public Utilities Committee.
 - (2) *Biennial review.* The sewer service charges of the Village shall be reviewed not less than biennially. Sewer service charges will be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such sewer service charges attributable to operation and maintenance, debt service and replacement costs. For purposes hereof, the Public Utilities Committee may satisfy this notice requirement by including in the budget summary required to be published under Wis. Stats. § 65.90, a statement of the aforementioned components of the sewer service charges, based on the results of operations for the preceding fiscal year.
 - (3) *Rates determinations.* The Public Utilities Committee shall review each year the rates referred to in Subsection (d) of this Section and may recommend amendments to the rates at any time to the Village Board.
- (d) *Sewer service charges.* A sewer service charge is hereby imposed upon each lot, parcel of land, building or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charges shall be payable as hereinafter provided, and in an amount determinable as follows:
- (1) There shall be three classes of users.
 - a. Category A metered users shall be those discharging normal domestic strength wastewater with up to 250 milligrams per liter for CBOD, and/or 250 milligrams per liter of suspended solids, and/or 40 milligrams per liter or TKN, and/or ten milligrams per liter of TP.
 - b. Category B users shall be those whose wastewater meets the criteria applicable for category A users, but whose water use is unmetered.
 - c. Category C users shall be metered users whose wastewater discharges are high strength wastewater having organic concentrations of CBOD greater than 250 milligrams per liter and/or suspended solids greater than 250 milligrams per liter and/or TKN greater than 40 milligrams per liter, and/or TP greater than ten milligrams per liter.
 - (2) Each user shall be charged a bimonthly customer charge based upon the size of the water meter serving the user. The customer charges shall be as established by the Village Board from time to time and provided in Appendix A to this Code.

- (3) Each user shall also be charged a volume charge expressed in dollars per 1,000 gallons of metered water. The charge for each 1,000 gallons of normal domestic strength wastewater discharged to the sanitary sewer system shall be established by the Village Board from time to time and provided in Appendix A to this Code.
 - (4) Category A users shall be charged a service charge consisting of the customer charge plus the volume charge for each applicable billing cycle.
 - (5) Category B users discharging normal domestic strength wastewater shall be billed at the rate established by the Village Board from time to time and provided in Appendix A to this Code. This rate shall be applied only to single-family residential and small commercial customers, and approximates the costs for 12,500 gallons bimonthly discharged to the sewer system. If it is determined by the sewer utility that the user discharges more than 12,500 gallons bimonthly to the system, an additional charge established by the Village Board from time to time and provided in Appendix A to this Code will be made for estimated additional usage.
 - (6) Category C users shall be billed, in addition to the applicable customer charge and volume charge, a high strength surcharge as part of their service charge. The BOD charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The suspended solids charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The TP charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The TKN charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. All category C users shall have their wastestreams sampled periodically to determine the extent to which the wastewater stream is subject to the high strength surcharge.
- (e) *Reassignment of sewer users.* The Village 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.
 - (f) *Billing, payment and penalty.* Sewer service charges shall be billed to each user once every two months, or more frequently, if so determined by the Public Utilities Committee. Such charges shall be payable not later than 20 days after the end of each billing period, unless the time for payment has been extended. A penalty of one percent per month shall be added to all bills not paid by the date fixed for payment.
 - (g) *Charges a lien.* All sewer service charges shall be a lien upon the property serviced pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner therein provided.
 - (h) *Disposition of revenue.* The amounts received from the collection of charges authorized by this Section shall be credited to a sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the provision of 40 CFR 35.929, 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 part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
 - (i) *Excess revenues.* Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for next year.

- (j) *Annual audit.* The Village shall authorize and conduct an independent annual audit, the purpose of which shall be maintain proportionality between users and user classes of the user charge system and to ensure that adequate are available relative to increasing operation, maintenance and replacement costs and debt retirement. The findi recommendations of this audit shall be published in the Village's official newspaper.

(Code 1998, § 9-2-4; Ord. No. 98-01, §§ 1—3, 1-12-1998; Ord. No. 99-01, §§ 1—3, 1-11-1999; Ord. No. 2000-01, §§ 1—3, 1-10-2000; Ord. No. 2003-05, § 30, 3-24-2003; Ord. No. 2007-05, 6-11-2007; Ord. No. 2008-01, § 1, 1-14-2008)

Sec. 47-80. - Credit for water not discharged to sewer.

If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service provided a meter has been installed to measure such water. The customer must, at the customer's own expense, make necessary changes in the water piping and install couplings so that a meter can be set. A charge as established by the Village Board from time to time and provided in Appendix A to this Code per quarter shall be made for each such meter up to a one-inch meter.

(Code 1998, § 9-2-5)

Secs. 47-81—47-103. - Reserved.

DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 47-104. - Prohibited connections.

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

(Code 1998, § 9-2-6(a))

Sec. 47-105. - Mandatory connections.

- (a) Every owner of a parcel of land shall connect to a public sewer whenever all of the following conditions exist:
 - (1) The parcel of land is adjacent to a public sewer;
 - (2) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade, business of industry; and
 - (3) Such building or structure is being served by a private sewage disposal system or treatment works.
- (b) Such connection shall be made no later than 12 months after the installation of the public sewer adjoining such parcel. Upon failure to do so, the Public Utilities Committee may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax lien against the property in the manner provided for by law. However, the owner may, within 30 days after the completion of the work, file a written notification with the Public Utilities Committee stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five or less equal

installments. The amount shall be so collected with interest at a rate not to exceed 15 percent per annum from the date of completion for the work, all as determined by the Public Utilities Committee. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats. § 281.45, as amended.

(Code 1998, § 9-2-6(b))

Sec. 47-106. - Prohibited discharges.

- (a) *General prohibitions.* No person shall discharge wastes to a community or intercepting sewer which cause, or are capable of causing, either alone or in combination with other substances:
 - (1) A fire or explosion;
 - (2) Obstruction of flow or damage to the wastewater facilities;
 - (3) Danger to life or safety or welfare of persons;
 - (4) Air pollution as defined in Wis. Stats. § 285.01(3), as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder;
 - (5) Prevention of effective maintenance or operation of the wastewater facilities;
 - (6) Any product of the District's treatment processes of any of the District's residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
 - (7) A detrimental environmental impact, a nuisance or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
 - (8) Any sanitary sewer or the District's wastewater facilities to be overloaded;
 - (9) In the opinion of the Director of the District, excessive District collection and treatment costs, or the use of a disproportionate share of the District's facilities;
 - (10) Cause the District to violate its WPDES permit.
- (b) *Specific prohibited discharges.* Prohibited discharges shall include, but not be limited to:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5 or higher than ten or having any other corrective property capable of causing damage or hazard to structures, equipment or treatment works personnel.
 - (4) Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, dishes, cups, milk containers, either whole or ground by garbage grinders.
 - (5) Any wastewater from industrial plants containing floatable oils, fats or greases.
 - (6) Any wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (c) *Prohibitions on storm drainage and groundwater.*
 - (1) Stormwater, groundwater, rainwater, street drainage, roof runoff and subsurface drainage shall not be discharged into community sewers without prior approval of the community and the District or into intercepting sewers without prior approval of the District. Such approval shall be granted only when no reasonable alternative method of disposal is available.

- (2) Polluted stormwater runoff from limited areas may be discharged to the sanitary sewer upon approval by the District, payment of applicable charges and fees and compliance with conditions required by the community District.
- (d) *Prohibition of unpolluted water.* Unpolluted water, including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged into community sewers without prior approval of the community and the District or into intercepting sewers without prior approval of the District. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and compliance with conditions as required by the community and District.

(Code 1998, § 9-2-6(c))

Sec. 47-107. - Limitations on discharge characteristics.

- (a) *Limitations related to treatment plant influent.* Discharge to the public sewerage system of the following described substances, materials, waters or wastes shall be limited to the following concentrations or quantities, which concentrations or quantities will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not have an adverse effect on the District's sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance.
- (1) Liquid having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or any wastewater having a temperature that will inhibit biological activity in the District's treatment plant thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the District's treatment plant to exceed 40 degrees Celsius (104 degrees Fahrenheit), unless the treatment plant is designed to accommodate such temperature.
 - (2) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
 - (3) Radioactive wastes that, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks or which violates rules or regulations of any applicable regulatory agency.
 - (4) Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
 - (5) Wastewater containing more than 300 mg/l of oil or grease of animal or vegetable origin.
 - (6) Wastewater that, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.
 - (7) Wastewater that contains in excess of any of the following constituents in a 24-hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the industrial user:

1.0	mg/l aluminum
0.25	mg/l cadmium
0.5	mg/l hexavalent chromium

10.0	mg/l total chromium
1.5	mg/l copper
5.0	mg/l lead
0.02	mg/l mercury
0.3	mg/l selenium
3.0	mg/l silver
8.0	mg/l zinc
2.0	mg/l nickel
0.1	mg/l cyanide

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

- (8) Industrial discharges exceeding applicable National Categorical Pretreatment Standards or state standards.
 - (9) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solution.
 - (10) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 - (11) The District may alter, amend or modify the limitations established in Subsection (a) of this Section, if it determines that it is necessary to meet the objectives of this Article or the conditions of the District's WPDES permit.
- (b) *Limitations related to treatment plant effluent.*
- (1) No person shall discharge any wastewater to the public sewerage system that, in combination with other discharges, results in either:
 - a. The District's treatment plant effluent having concentrations exceeding the following limits:
 - 1. One tenth mg/l total phenols; or
 - 2. Two one thousandths mg/l polychlorinated biphenols (PCBs).
 - b. The District's treatment plant digested sludge exceeding a PCB concentration of ten ppm on a dry-weight basis.
 - (2) No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES

permit and any modification or reissuance thereof.

- (c) *Limitations superseded.* Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the federal standards, if more stringent than the limitations imposed under this Article, shall immediately supersede the limitations imposed under this Article, and such industrial user shall comply with said federal standards. The District shall notify all affected users of the applicable requirements under 40 CFR 403.12.
- (d) *No dilution of industrial discharges.* Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established in this Section or below other applicable pretreatment standards is prohibited.

(Code 1998, § 9-2-6(d))

Sec. 47-108. - Accidental discharge of prohibited wastewater.

Any person who accidentally discharges into the public sewerage system wastes or wastewater prohibited under this Article shall immediately report such a discharge to the Director of the District and shall report the location of the discharge, the time thereof, the volume thereof and the type of waste or wastewater so discharged. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Director of the District. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Article. Where the Director of the District deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this Article.

(Code 1998, § 9-2-6(e))

Sec. 47-109. - Sand and grease trap installations.

The installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes and other industrial or commercial establishments shall be required, where necessary in the opinion of the Director of the District, to prevent discharge of sand, flammable wastes, oil and grease in amounts exceeding the limits of Sections ~~47-106~~—47-108. All such traps shall be constructed and maintained by the owner at the owner's expense, in accordance with the Wisconsin Plumbing Code and the specifications of the Village, and shall be readily accessible for cleaning and inspection.

(Code 1998, § 9-2-6(f))

Sec. 47-110. - Limitations on discharge of septage wastes and other wastes.

Any septage waste or other waste permitted to be discharged under this Article shall be of domestic origin or contain compatible pollutants only. The person or licensed disposer making the discharge under this Article shall comply with the provisions of any and all applicable rules and regulations and shall comply with this Article. Without intending to limit the application of other provisions of this Article, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole or community sewer, or into the District's wastewater facility, nor shall such person or licensed disposer allow any grease, earth, sand or other solid materials to pass into any part of the sewerage system, nor shall such person or licensed disposer discharge any liquid, gaseous or solid wastes determined by the Director of the District to be detrimental to the sewerage system or to the District's employees or to the process of sewage treatment. No discharges shall be permitted directly into any of the District's interceptor sewers, unless the Director of the District so authorizes.

(Code 1998, § 9-2-6(h))

Sec. 47-111. - Permits to discharge septage wastes.

- (a) No discharge shall be made under this Article unless the person or licensed disposer making the discharge has been issued a permit. All applications for a permit shall be in writing, shall contain such information as the Director of the District deems appropriate and shall be submitted to the Director of the District no later than September 1 of each year. No permit once issued shall be assignable or transferable by the person receiving the same. All such permits shall be valid for a period of one year, beginning on October 1, and expiring on September 30 of each year. No holder of any permit shall acquire any vested right or privilege by reason thereof.
- (b) If the municipality determines to issue a permit under this Article, such permit may be issued upon such terms and conditions as the issuer may provide, and any such permit shall provide as a minimum the following:
 - (1) The permit shall be conditioned upon the holder's faithful compliance with the provisions of the District's Sewer Use Ordinance, as amended from time to time, and this Article.
 - (2) The agreement of the holder thereof to indemnify the District and the municipality, if applicable, from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted. The District and the municipality, if applicable, may require the holder of such permit to post a bond written by a bonding company licensed to transact business in Wisconsin, to guarantee performance of the holder thereof.
 - (3) Evidence that the holder thereof has in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.

(Code 1998, § 9-2-6(i))

Sec. 47-112. - Wastewater measurement, sampling and reporting and monitoring facilities.

- (a) Wastewater characteristics and constituents shall be monitored to determine compliance with this Article and to facilitate an equitable system of service charges.
- (b) A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
- (c) An existing user whose discharges are different from domestic wastewater may be required by the District or municipality to install a monitoring facility. Construction of such facility must be completed within 90 days after the user has been notified of the requirement, unless the District grants an extension of time.
- (d) All monitoring facilities shall be constructed at the owner's expense, in accordance with the plans approved by the municipality and the District. The monitoring facility shall contain the necessary flow monitoring and sampling equipment to facilitate the observation, sampling and measurement of wastes and shall be maintained by the owner so as to be safe and accessible at all times.
- (e) The requirements of Subsections (b), (c) and (d) of this Section may be waived by special written permission of the Director of the District.

(Code 1998, § 9-2-6(j))

Sec. 47-113. - Owner's maintenance of building sewer.

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Village or Public Utilities Committee, except when they are damaged as a result of negligence or carelessness on the part of the respective Village or

Public Utilities Committee. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all building sewers; and the ownership thereof shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a building sewer, the same shall be the responsibility of the property owner, except as provided for in Section 47-151 or as otherwise provided for herein.

(Code 1998, § 9-2-6(k))

Secs. 47-114—47-140. - Reserved.

DIVISION 3. - ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES

Sec. 47-141. - Damages.

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

(Code 1998, § 9-2-7(a))

Sec. 47-142. - Written notice of violation.

Any person connected to the sewerage system found to be violating a provision of this Article 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.

(Code 1998, § 9-2-7(b))

Sec. 47-143. - Accidental discharge.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system that causes damage to the sewerage system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the Village.

(Code 1998, § 9-2-7(c))

Sec. 47-144. - Accidental discharge reporting.

Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village or the District.

(Code 1998, § 9-2-7(d))

Sec. 47-145. - Liability to Village for losses.

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

(Code 1998, § 9-2-7(f))

Sec. 47-146. - Damage recovery.

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

(Code 1998, § 9-2-7(g))

Sec. 47-147. - Penalties.

Any person who shall violate any of the provisions of this Article 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 that are incorporated by reference, shall upon conviction thereof be punished as provided in Section 1-16 and the costs of prosecution.

(Code 1998, § 9-2-7(h))

Sec. 47-148. - Appeal procedures.

Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provision of this Article may file with the Village a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Village upon receiving the request for reconsideration shall publish the request in the official newspaper. The Public Utilities Committee shall render a decision on the request for reconsideration of the user in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Public Utilities Committee is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village Board.

(Code 1998, § 9-2-7(i))

Sec. 47-149. - Optional penalty for failure to make mandatory connection.

In lieu of causing a mandatory connection to a public sewer main to be made at its order, the Public Utilities Committee, at its option, may impose a penalty for the period that the violation continues after ten days' written notice to any owner failing to make such connection to the sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, such penalty shall be assessed as a special tax lien against the property pursuant to Wis. Stats. § 281.47.

(Code 1998, § 9-2-7(j))

Sec. 47-150. - Tap permits.

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

(Code 1998, § 9-2-8(a))

Sec. 47-151. - Obstruction of building sewers in public rights-of-way.

In the event of any blockage, damage or break in any building sewer, which occurs within a public street, alley, highway, or other public right-of-way, the Public Utilities Committee shall have the exclusive right and option to repair the building sewer within said street, alley, highway or right-of-way. In such event, the owner of the building sewer shall promptly reimburse the Public Utilities Committee for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.

(Code 1998, § 9-2-8(b))

Sec. 47-152. - Backflow preventer.

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

(Code 1998, § 9-2-8(c))

Sec. 47-153. - User use only.

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

(Code 1998, § 9-2-8(d))

Sec. 47-154. - Discontinuance of service.

Whenever any person desires to discontinue sewer service from the system, the Public Utilities Committee must be notified in writing prior to such disconnection. Disconnection shall only be allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the property owner to discontinue sewer service or to an abatement of sewer service charges.

(Code 1998, § 9-2-8(e))

Sec. 47-155. - User to permit inspection.

Every user shall permit the duly authorized agent of the Village or Public Utilities Committee, at all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Section and Wis. Stats. § 196.171, to the extent applicable.

(Code 1998, § 9-2-8(f))

Sec. 47-156. - Title to real estate and personal property.

All property, real, personal and mixed, including, but not limited to, easements, acquired for the construction of each sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of and titled in the name of the Village for the benefit of the Public Utilities Committee. Nothing contained in this Section shall be construed as revoking, changing, abandoning or otherwise altering any conveyance of property previously made to the Village prior to the effective date of the ordinance from which this Section is derived; and such title shall be deemed to be vested in the Village as provided for herein.

(Code 1998, § 9-2-9)

Sec. 47-157. - Additions to Madison Metropolitan Sewerage District.

Whenever any real estate or any easement therein or use thereof shall in the judgment of the Public Utilities Committee be necessary to the sewer system, and whenever for any reason an agreement for purchase from the owners cannot be made, the Public Utilities Committee, after approval of the Village Board, shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with the Wisconsin Statutes and any other applicable federal or state provisions.

(Code 1998, § 9-2-10)

Sec. 47-158. - Disconnection and refusal of service.

- (a) *Reasons for disconnection.* Sewer service may be disconnected or refused for the following reasons:
 - (1) Violation of this Article, as amended from time to time;
 - (2) Violation of the District ordinance, as amended from time to time;
 - (3) Failure to pay the application fee, any connection fee or delinquent account of the user.
- (b) *Discontinuation for delinquent accounts.* A bill for service is delinquent if unpaid after the due date shown on the bill. The Public Utilities Committee may disconnect service for a delinquent bill by giving the user at least eight calendar days prior to disconnection, a written disconnect notice, which may be included in the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance of the bill. The Public Utilities Committee may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any user for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.

(Code 1998, § 9-2-11)

Sec. 47-159. - Connection fees.

- (a) *Madison Metropolitan Sewerage District charges.* For each connection of a building sewer to a public sewer within the Village, there shall be paid a connection charge as determined pursuant to Section 4.7 of the Madison Metropolitan Sewerage District ordinance, as amended from time to time.
- (b) *Utility charges.* For each connection of a building sewer to a public sewer within the Village there shall be paid connection charges. Such connection charges shall be assessed to the person seeking the connection and shall be paid as a condition precedent to the actual connection. The following connection charges shall apply: The charge established by the Village Board from time to time and provided in Appendix A to this Code for sewer hookup and lateral for new buildings.
- (c) *Failure to pay violation of Article.* For purposes of this Article, the connection charges described in Subsections (a) and (b) of this Section are collectively referred to as "connection fees." The failure to pay any connection fee

is a violation of this Article, and the Public Utilities Committee may pursue all rights and remedies provided for herein.

(Code 1998, § 9-2-12)

Sec. 47-160. - Abatement procedures.

- (a) *Violations constituting public nuisance.* A violation (other than the failure to pay sewer service charges or other fees or costs due under this Article) of any provision of this Article or any other rule or order of the Public Utilities Committee or Village is hereby declared to be a public nuisance.
- (b) *Enforcement.* The Public Utilities Committee or Village shall have the right to enforce the provisions of this Article and shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this Article to abate a public nuisance unless the Public Utilities Committee or Village shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.
- (c) *Summary abatement.* If the Public Utilities Committee or Village determines that a public nuisance exists within the Village and that there is great and immediate danger to public health, safety, or welfare, the Public Utilities Committee or Village may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- (d) *Abatement after notice.* If the Public Utilities Committee or Village determines that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to present great and immediate danger to the public health, safety, or welfare, the Public Utilities Committee or Village shall serve notice to the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the Public Utilities Committee or Village shall cause the nuisances to be removed as provided in Subsection (c) of this Section.
- (e) *Other methods not excluded.* Nothing in this Article shall be construed as prohibiting the abatement of public nuisances by the Public Utilities Committee or the Village or its officials in accordance with the laws of the state.
- (f) *Court order.* Except when necessary under Subsection (c) of this Section, the Public Utilities Committee or Village shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (g) *Cost of abatement.* In addition to any other penalty imposed by this Article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Public Utilities Committee or Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge. For purposes hereof, costs shall include, but not be limited to, actual attorneys' fees and court costs.

(Code 1998, § 9-2-13)

Secs. 47-161—47-188. - Reserved.

Appendix C

SEWER BACKUP INTAKE REPORT

Complete this checklist each time a backup is reported. Help the caller remain be calm and rational. Show empathy and maintain a professional manner. Never insinuate or admit any fault on the part of either the caller or the utility.

Name of Caller: _____

Date of Call: _____ Time of the Call: _____ a.m./p.m.

Approximate date and time of the overflow, if different than above: _____ a.m./p.m.

The location address, or nearest cross street: _____

Location of overflow (basement, restroom, laundry room, etc.): _____

Approximate size of overflow in gallons: _____

Immediate health or safety issues: _____

Property at risk or affected by the overflow: _____

Is the overflow expanding, stationary or receding? _____

What has or is being done by the caller or others? _____

The Callers Phone Number: _____

INSTRUCTIONS TO THE CALLER

1. Instruct the caller to take proper precautions to minimize loss and potential health effects:
 - Keep children, pets and others out of the overflow.
 - Electrical appliances in affected areas present an electrocution hazard.
 - Move uncontaminated property away from the overflow area.
2. Clearly communicate who will be out to the site and approximately when they should arrive.
3. Explain what area(s) they will need to have access to.
4. Explain how the action to be taken is dependent upon the location of the blockage:
 - If blockage is in the municipality's main lines it will be promptly cleaned.
 - If blockage is in the owner's lateral line, the municipality cannot work on private property.
 - In that case, inform callers that they must contact a local sewer service or cleanup firm. You may wish to offer a prepared list of cleaning contractors (without recommendations).
5. Give the caller your name, title and phone number.
6. Never respond to questions about legal responsibility. Explain that the municipality's insurance provider will investigate any responsibility for the backup.
7. Record the information in a daily or weekly incident log.
8. Quickly refer the call, and forward a copy of this report to the appropriate supervisor or on call person.

Appendix D

ONSITE SEWER BACKUP ASSESSMENT

(To be completed after the backup problem is corrected. Complete one assessment for each property involved.)

Date and time you arrived onsite: _____ a.m./p.m.

Property Owner's / Resident's Name: _____

Address or nearest cross street: _____

Municipal personnel involved in clearing overflow: _____

Approximate date & time of overflow: _____ a.m./p.m.

Location of overflow (basement, restroom, laundry room, etc. _____

Approximate size of overflow in gallons: _____

**Use the buddy system when entering a private residence or business.
DO NOT track sewage to uncontaminated areas of the property.**

List items that have been affected by the overflow: _____

Did the property owner/resident take action to protect the property? Yes _____ No apparent action _____

Has a cleaning contractor been contacted by the property owner/resident? Yes _____ No _____

Is the backup likely to affect fish or wildlife? Yes _____ No _____

If yes, has the EPA and DNR been notified? Yes _____ No _____

Initial actions taken (sign posted, barricades, sample taken, public notified): _____

Subsequent actions taken to prevent future overflows at this location: _____

Did you observe conditions that may have led to the overflow? Yes _____ No _____ If Yes, what were they? _____

INFORMATION FOR THE PROPERTY OWNER/RESIDENT

1. Instruct the property owner/resident to take the following precautions to minimize loss and potential health effects, if not already done:
 - Keep children, pets and others out of the overflow.
 - Electrical appliances in affected areas present an electrocution hazard – **USE CAUTION**
 - Move uncontaminated property away from the overflow area.
2. Clearly communicate that if blockage is in the municipality's main lines it will be promptly cleared, but if blockage is in the property owner's lateral line, municipal employees will not be allowed to clear it. In that case, property owners/residents must contact a local sewer service or cleanup firm.
3. Suggest using the internet to locate cleaning contractors. **DO NOT** make any recommendations.
4. Show concern and empathy for the property owner/resident, but do not admit or deny liability. Remain calm and professional, even if the property owner/resident is distraught and emotional; if violent, leave the site and call for assistance.
5. Give the property owner/resident your name, title and phone number for future reference.
6. Provide the resident with a copy of the flyer, "Information for Homeowners & Residents - Facts About Sewer Backup Incidents."
7. Forward a copy of this Report to the appropriate supervisor.

Appendix E

SEWER BACKUP FOLLOW-UP INVESTIGATION

Following an overflow incident, a full investigation may indicate additional follow-up actions to be taken, suggest procedural changes that could improve future responses, and will provide full information to claims adjusters.

Location/Address of Overflow _____

Onsite Response Personal _____ Date of Onsite Response: _____

Property Owner Name _____ Phone: _____

FINDINGS (Answer all questions that can be determined):

Date the municipality was first notified of the problem? How notified?	
What action was taken when notified, and when?	
What was the apparent extent of damage to property?	
What was the apparent cause of the backup?	
What methods of investigation were used (visual, videos, etc.)	
What is the estimated age of the sewer main?	
Type of construction of the sewer main?	
What is the record of frequency of inspection/cleaning at the site?	
Last date of inspection/ cleaning prior to the incident?	
Method of cleaning/inspection on that last date (flushed, jetted, rodded, etc.)	
Was this problem found to be in the main or the lateral?	
Have there been prior problems with blockage in the main? When?	
Are there major industries, schools, restaurants on this main? How close?	
Was the municipality doing any work in the area prior to the backup? If so, what was being done?	

The Backup Investigation Report must be completed and returned to the supervisor within 7 days of the onsite assessment and action, and forwarded to the insurance carrier.

Appendix F

Public Works Contact Information

Village of McFarland Sanitary Sewer Reference and Emergency Contact List

3/5/19jrh			
Department/Agency	Name	Position	Office Number
Public Works	Public Works Office		608-838-7287
Public Works	On Call Staff		608-212-2625
Public Works	Jim Hessling	Management	608-838-7287
Police Department	Police Office		608-838-3151
	Dane County Dispatch		608-255-2345
	Craig Sherven	Police Chief	608-838-3151
Fire Department	Fire/EMS		608-838-3278
	Dane County Dispatch		608-255-2345
	Chris Dennis	Fire Chief	608-838-3278
Village Media Spokesperson	Matt Schuenke	Village Administrator	608-838-3153
Department of Natural Resources		General Number	888-936-7463
Madison Metropolitan Sewerage District	MMSD Offices		608-222-1201
Roto-Rooter (sewer and drain cleaning)			608-256-5189
Dvorak Pumping			608-255-1022
McCann's Underground (sewer and drain cleaning)			608-222-6007
L.W. Allen (lift station controls)			608-222-8622
Town & Country Engineering (Village Engineer)	Brian Berquist		608-273-3350
Gausmann Trenching	Steve Gausmann	Excavating Company	608-222-5070
Capital Underground		Excavating Company	608-318-1595
Homburg Contractors		Excavating Company	608-244-9226
R.G. Huston Company		Excavating Company	608-255-9223
ServPro		Restoration Company	833-683-3460
Paul Davis Restoration		Restoration Company	855-749-9102

Appendix G

Information For Homeowners and Residents

- Facts About Sewer Backup Incidents –

Sewer backups are an unfortunate but common problem in U.S. cities and towns. Although municipal departments make every effort to prevent such incidents, they still may occur. The following information is offered to help property owners and residents understand why backups happen, how they can be prevented, and what steps citizens should take if a sewer backup affects their property. The following questions and answers may be helpful:

What causes a sewer backup?

Sanitary sewer overflows can be caused by a number of factors. They usually involve sewer pipe blockages in either main sewer lines or service laterals (lines between buildings and the main line). Causes may include pipe breaks or cracks due to tree roots, system deterioration, grease, tree roots, hair, or solid materials, such as disposable diapers or sanitary napkins that should not be put down the drain. Such materials may cause major backups in Village lines as well as in residents' lateral lines.

How could a sewer backup affect me?

If the backup occurs in a Village maintained line, the wastewater will normally overflow out of the lowest possible opening, which is usually a manhole. However, in some homes—especially those with basements, or where the lowest level is even with the sewer lines—the overflowing wastewater may exit through the home's lower drains and toilets.

What should I do if sewage backs up into my home?

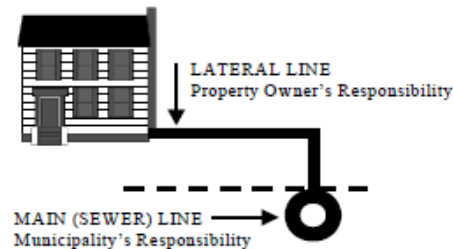
First, take action to protect people and valuable property:

- Keeping in mind that ceramic plumbing fixtures such as toilets are fragile, quickly close all drain openings with stoppers or plugs. Tub, sink, and floor drains may need additional weight to keep them sealed. A string mop can be used to help plug toilet openings.
- Don't run any water down your drains until the blockage has been cleared.
- A quick check with nearby neighbors will help determine if the backup appears to be in your neighbor's wastewater line, and/or widespread in your neighborhood. In this case, call the Department of Public Works immediately. Numbers are listed at the end of this flyer.
- Call a plumber if the problem is in your lateral service line.

If I call the Village, what will they do about a sewer backup onto my property?

- You will be asked questions about the backup timing, location, the property at risk, etc.
- Village personnel will check for blockages in the main line. If found, the blockage will be immediately cleared.
- If the main line is not blocked, you will be advised to call a plumbing or sewer contractor to check your lateral line. Maintenance and repair of the lateral line is the owner's responsibility. (See diagram below.)

Lateral Line Property Owner's Responsibility:



- To minimize damage and negative health effects, you should arrange for cleanup of the property as soon as possible. There are qualified businesses that specialize in this type of cleanup.
- If the sewer backup onto your property resulted from blockage in the main sewer line, Village personnel will explain what the Village can immediately do to help take care of the problem.

Is there anything I can do to prevent sewage backup into my home?

- DO NOT put grease down your garbage disposal or household drain. It can solidify, collect debris and accumulate in Village lines, or build up in your own system.
- DO NOT flush disposable diapers, sanitary napkins or paper towels down the toilet. They could stop up your drains and may damage your plumbing system.
- If the lateral line in your older home has a jointed pipe system, consider whether the roots of large shrubs or trees near the line could invade and break pipes. It is a good idea to know the location of your lateral line(s).
- If the lowest level of your home is below ground level, such as a basement floor drain, it may one day be affected by a backup. One way to prevent sewage backup through such below ground areas is to install a "back-flow valve" on the lowest drain(s). You can also use a plumber's test plug to close these drains when not in use.
- For further information about preventive measures, contact a plumber or plumbing supply dealer.

Will my insurance cover any damage to my home or property?

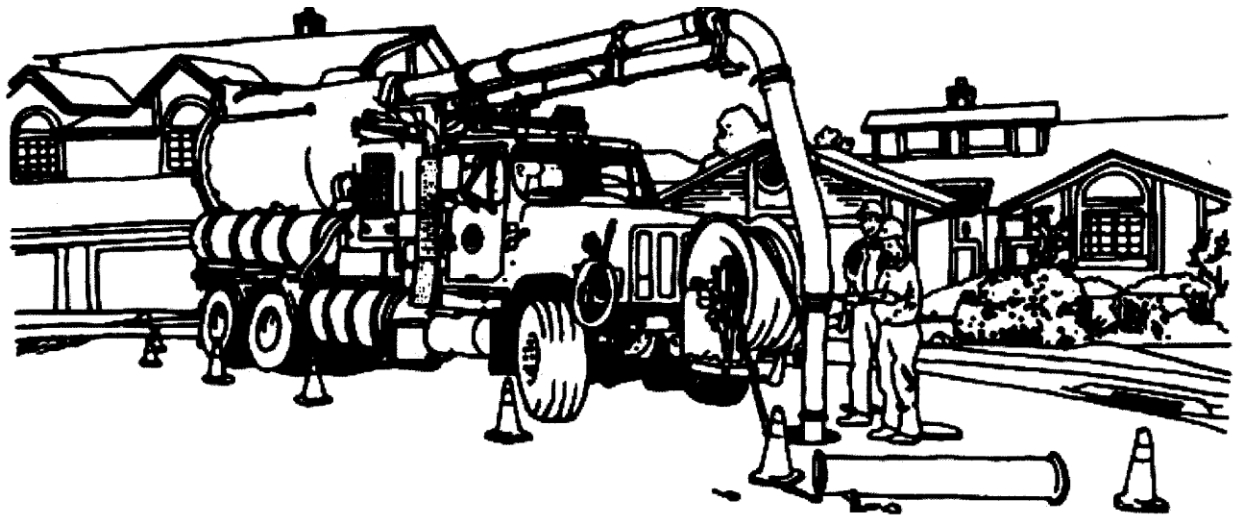
In the majority of cases, a special rider will need to be added to your homeowner's or renter's insurance policy to cover damages related to sewage backups or water damage. This optional coverage is usually not very expensive, but you must usually request that it be added to your policy. Check with your insurance agent about this policy provision.

Call your insurance agent today to have this coverage added to your policy.

How and where should I report a sewer backup?

Emergency crews are on call 24 hours a day to assist you. In an emergency such as a sewer line backup, or if you observe any vandalism associated with the wastewater or sewer lines, contact the Public Works Department at 608-838-7287 or if after hours the emergency Crew Phone at 608-212-2625.

McFarland VILLAGE OF



SANITARY SEWER BACKUP REDUCTION PROGRAM

Public Works Department

Adopted March 25, 2019

Section 1 *OVERVIEW*

The McFarland Sanitary Sewer Backup Reduction Program is intended to establish preventative maintenance procedures to minimize the likelihood of a sewer backup and to minimize the damage that may be caused when such a backup occurs. The goal of this program is to provide for the design and maintenance of the public sanitary sewer facilities to maximize their proper functioning, to promptly address any obstructions or damage to the system, to provide information and assistance to sewer utility customers in reducing the risk of backups in their own sewer facilities and in responding to any backups that do occur.

The provision of sanitary sewer services is governed locally under Chapter 47 of the Village of McFarland ("Village") Code of Ordinances. The enforcement of the provisions of the sewer use ordinance and the application of this Program will reduce the likelihood of damage to the public sewer system and the private and public properties it serves.

Section 2 *SANITARY SEWER BACKUP PROGRAM*

It is the Village's policy to preserve the integrity of its municipal sanitary sewer system, by keeping its facilities in good condition and repair and free from obstructions that may hinder the system efficiency and cause damage, financial loss, or inconvenience. The contents of this manual and the program that it entails is designed to reduce the potential for the Village's system to cause or contribute to backups that threaten the public health and damage to property, along with the potential responsibility of the Village for the resulting costs. The program and this manual have been adopted and recommended by the McFarland Public Utilities Committee, and has been adopted as Village policy by resolution of the Village Board.

Section 3 *PREVENTATIVE MAINTENANCE GUIDELINES*

A. System Design.

New sanitary sewer system components will be designed by qualified engineers and installed in accordance with accepted engineering specifications. Installations shall be inspected by a professional engineer or the Village Building Inspector as appropriate. Repairs or improvements to existing sanitary sewer lines must use PVC pipe or other high-quality, durable material approved by the Village upon recommendation of the Village Engineer.

B. Sewer Use Ordinance

The Village's Sanitary Sewer Use Ordinance (Appendix B, Chapter 47 of the McFarland Municipal Code) requires the installation of back-flow prevention devices in all new construction, and on the lowest drains of all existing buildings. All restaurants, laundromats, and other commercial facilities that discharge fats, oils and greases are required to install grease traps. All property owners are prohibited from directing sump pumps and downspouts into the sanitary sewer system.

C. Preventative Inspections, Cleaning, and Maintenance

The Director of Public Works is responsible for establishing a program for routine inspection and maintenance of public sanitary sewer mains, lift stations and other facilities. The program should include, where practicable, a schedule to be followed for:

- Periodic cleaning of the sanitary sewer lines, with emphasis on any portions of the system that have historically required more frequent cleaning..
- Periodic televising of the sanitary sewer lines on a basis to identify potential obstructions, reduced flow capacity, damage or potential sources of infiltration and inflow.
- Periodic cleaning of all Village owned lift stations. .

The frequency and manner in which inspection and cleaning is completed, shall be determined by the Public Works Director based on the availability of budgeted resources, necessary outside services and technology as appropriate. The Public Works Director will make decisions after considering the recommendation of the Village Engineer and upon approval of the Village Board and/or Public Utilities Committee when required.

Section 4 *SEWER BACKUP RESPONSE PROCEDURES*

A. Office Response to a Citizen Report.

Proper response by Public Works personnel when a property owner reports a sanitary sewer back up problem can greatly minimize customer anxiety and property loss from such incidents. Any customer reporting a backup shall be treated with consideration and empathy. The employee receiving the call should gather the following information:

- The location of the backup and the name and phone number of the individual making the report.

- If available, the contact should be immediately referred to a Supervisor for further response.
- The individual reporting the backup should be contacted as soon as possible and advised of the planned response and when the responsive action should be expected.

B. Field Response to a Sanitary Sewer Backup.

Timely action taken by field personnel will vary, depending upon the situation. It is vital that the individual who reported the backup be treated professionally, and that full respect is shown for the owner's property and possessions.

Public Works personnel shall take the following steps:

- Take all necessary actions to determine the cause of the sanitary sewer backup.
 - Check the flow in the manholes above and below the backup location.
 - If necessary, televise the lines to find and help document the problem.
- Quickly arrange to correct the problem if it is determined to be in the main lines:
 - If a blockage has caused the sanitary sewer backup, remove the cause of the blockage.
 - Never speculate as to liability for damage. Legal liability depends on a number of factors, and cannot be determined solely from a field inspection. Refer any inquiries regarding legal issues or financial responsibility to an available Supervisor.
- If the sanitary sewer blockage is located in the lateral line, clearly explain to the user that the maintenance of the lateral line is the responsibility of the property owner and that they must complete the repair.

Section 5 *SANITARY SEWER BACKUP INVESTIGATIONS*

Documented sanitary sewer backup incident investigations are important for preserving the integrity of the sanitary sewer system, for providing insurance coverage information, and for reducing the risk of litigation against the Village.

- Accurate information helps the municipality's insurance carrier investigate and resolve any claims. If a claim is filed against the Village, it is critical that with the claims adjuster have accurate information about the incident.

- All sanitary sewer backup investigations should be documented and reported to the Public Works Director as soon as practicable.
- The Public Works Director shall review and compile any backup reports for filing with the Village's insurance carrier upon consultation with the Village Administrator and Clerk/Treasurer as is appropriate.

Section 6 *SANITARY SEWER BACKUP EMERGENCY RESPONSE PLAN*

The Public Works Director shall prepare an emergency response plan to assure that appropriate personnel are prepared to take timely and efficient action in the case of a sewer backup incident. The plan should include at least the following:

- Primary response personnel including names, titles, and emergency phone numbers.
- Backup personnel to be contacted should those in primary positions be unreachable.
- Police and Fire/Rescue Department phone numbers (non-emergency).
- Specialty contractor information that may be needed for plumbing/sewer line repair, cleaning or engineering consultation.
- Names and telephone numbers of any regulator or environmental agency that should be informed of a sanitary sewer backup or wastewater problem.
- System protection, including an emergency power backup system and a failure alarm system for all lift stations, or sewer pump stations should be in place.
- System alarms should ring to a staffed location or 24-hour "on-call" phone, pager or other communication system monitored by an emergency response employee.
- The emergency response plan shall be reviewed and approved by the Public Utilities Committee at least annually with recommended changes presented at time of review.

Section 7 *EDUCATION AND TRAINING*

A. Employee Qualifications and Training.

Employees along with some contractors are trained in the Village's sanitary sewer system. Training can be in several forms, including but not limited to, formal education, various seminars, schooling, licensure, safety and work experience. The Public Works Director shall be responsible for ensuring proper training is provided to the Department based on the availability of resources.

B. Community Education.

Community education can come in several forms. It is the Village's intention to provide this information on its website and possibly other social media outlets. This type of information will also be included with the "new resident packets" for all newly constructed homes and businesses. Public Works is further encouraged to maintain dialogue with the Communications and Technology Department to inform the public of these issues using diverse media opportunities to do so.

Among other relevant information, the public communication provided should explain:

- The causes of sanitary sewer backup situations.
- Steps to help prevent sanitary sewer backup incidents, such as avoiding the deposit of grease, bulky non-soluble items down household toilets, and/or potential tree root intrusions.

Risks created by putting various waste items down a toilet, and alternative disposal through regular trash collection.

- The value of back-flow preventers for below-ground building drains, and recommendations for periodical inspections.
- Options available to report a sanitary sewage backup problem.
- Recommendations to consider the purchase of sanitary sewer backup endorsements on homeowner insurance policies.

Appendices *Program Support Documents*

Appendix A	Village Board Resolution Approving Program.
Appendix B	Article III – Sanitary Sewer System (Village Code of Ordinances)
Appendix C	Sanitary Sewer Backup Intake Report
Appendix D	Sanitary Sewer Backup Field Assessment
Appendix E	Sanitary Sewer Backup Follow Up Investigation
Appendix F	Public Works Contact Information
Appendix G	Information for Homeowners and Residents

ARTICLE III. - SANITARY SEWER SYSTEM

DIVISION 1. - GENERALLY

Sec. 47-76. - Introduction; general provisions; compliance with rules.

- (a) This Article regulates the use of public and private sewers and drains, connections to the public sewerage system, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village. It also provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the Village to comply with administrative provisions, and other discharge criteria, which are required or authorized by the state or federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sewerage system.
- (b) This Article provides a means for regulating the use of the public sewers, effectuating connections thereto, 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 Article shall be used to defray the costs of operating and maintaining the wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Article shall supersede any previous ordinances, rules or regulations of the Village relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Article. If there is any conflict between this Article and any applicable Wisconsin Statutes, the Wisconsin Statutes shall control in such instance.
- (c) All persons now receiving sewer service from the Village Sewer and Water Utility or who may hereafter make application therefor shall be considered as having agreed to be bound by rules and regulations as filed with the Wisconsin Public Service Commission.

(Code 1998, § 9-2-1)

Sec. 47-77. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Actual customer*. The number of water meters serving a user. If a user's water consumption is not metered, the Director shall estimate the number and size of the water meters that would otherwise be required to measure such consumption. The Director's estimate shall be in accordance with generally accepted engineering practices.
- (b) *Applicable pretreatment standard*. That most restrictive provisions contained in any pretreatment limitations or prohibitive standards (enacted by any federal, state or local governmental entity) and incorporated in this Article, which applicable pretreatment standard shall be complied with by nondomestic wastewater users of the sewerage system.
- (c) *Building drain*. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building or structure and conveys it to the building sewer.

- (d) *Building sewer.* A sanitary sewer that begins at the immediate outside of the foundation wall of any building being served and ends at its connection with a community sewer or interceptor.
- (e) *Carbonaceous biochemical oxygen demand (CBOD).* The quantity of oxygen used in the biochemical degradation of organic material in five days at 20 degrees Celsius when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with standard methods.
- (f) *Combined sewer.* A sewer designed to receive or receiving both wastewater and stormwater or surface water.
- (g) *Commission of the Madison Metropolitan Sewerage District.* As defined and with such powers as set forth in Wis. Stats. § 200.09 as amended from time to time.
- (h) *Commissioners.* The Commissioners of the District.
- (i) *Community or Municipality* shall mean the Village.
- (j) *Community sewer.* Any sanitary sewer owned and/or operated by the Village, which sewer is tributary to an intercepting sewer or treatment facility owned or operated by the District.
- (k) *Compatible pollutant.* Biochemical oxygen demand, suspended solids, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES Permit issued to the District for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants and, in fact, does remove such pollutants to a substantial degree.
- (l) *Composite sample.* A sample consisting of portions of waste taken in proportion to the volume of flow of said waste.
- (m) *Director.* The Director of the District or other authorized representative of the Commission or District.
- (n) *District.* The Madison Metropolitan Sewerage District (MMSD), a regional sewerage district governed by the Commission.
- (o) *Domestic wastewater or sanitary sewage.* A combination of liquid and water-carried wastes and wastewater discharged from toilets, conveniences or other sanitary plumbing facilities, which contain no incompatible pollutants exceeding the limitations set forth in Section 47-107 and which contain no substances prohibited by the terms of this Article.
- (p) *Equivalent meters.* The number of equivalent five-eighths-inch meters and shall be based on the following:

Meter Size	Number of Equivalent 5/8 -inch Meters
5/8 -inch	1
¾-inch	1
1-inch	2.5
1¼-inch	3.7
1½-inch	5

2-inch	8
3-inch	15
4-inch	25
6-inch	50
8-inch	80
10-inch	120
12-inch	160

Where a user does not have a water meter for measuring the user's water consumption, the Village Director of the Public Works shall estimate the number and size of water meters that would otherwise be required to serve that user, based upon standard engineering practices; and the equivalent meters shall then be determined on this estimate.

- (q) *Federal Act.* The Federal Water Pollution Control Act (33 USC 1251 to 1387, as amended from time to time, et seq.) or as implemented by Wis. Stats. § 283.001 et seq., or appropriate Sections of the Wisconsin Administrative Code adopted pursuant to Wis. Stats. § 283.001 et seq., as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.
- (r) *Floatable oil.* Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free from floatable oil if it is properly pretreated and does not interfere with the collection system.
- (s) *Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods or from the handling, storage or sale of food products and produce.
- (t) *Holding tank waste.* The scum, liquid, sludge or other waste from holding tanks such as chemical toilets, campers, trailers, privies, septic tanks and other temporary holding facilities and shall include wastes from a soil absorption field. Such term is synonymous with the term "septage." The term does not include the waste from a grease trap.
- (u) *Incompatible pollutant.* Any pollutant that is not a compatible pollutant.
- (v) *Industrial discharge or industrial waste.* Any water-borne solids, liquids or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user, including, but not limited to, cooling water and discharges from wastewater pretreatment facilities. Such term includes any wastewater which is not sanitary sewage.
- (w) *Industrial user.* Any commercial or industrial user who makes, causes or permits an industrial discharge into the District's wastewater facilities.
- (x) *Intercepting sewer.* Any sanitary sewer owned or operated by the District.

- (y) *Interference*. The inhibition or disruption of the sewerage system or wastewater treatment processes or operation may or does contribute to a violation of any condition of the District's WPDES Permit.
- (z) *May*. The term is permissive.
- (aa) *National Categorical Pretreatment Standards*. Any regulation or order containing pollutant discharge limitations as promulgated by the U.S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Clean Water Act (33 USC 1317), which limitations apply to one or more specific categories of industrial users.
- (bb) *Natural outlet*. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (cc) *New source*. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 USC 1317) categorical pretreatment standard, which will be applicable to such source.
- (dd) *Person*. Any individual, firm, company, partnership, municipality, association, private or public, corporation, cooperative, society, institution, enterprise, government agency, or other entity.
- (ee) *Pretreatment*. The reduction of the amount of pollutants, the limitation of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.
- (ff) *Properly shredded garbage*. The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
- (gg) *Public sewer*. A sewer owned and maintained by the Village.
- (hh) *Public sewerage system*. All structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served and excepting building sewers.
 - (ii) *Sanitary sewage*. A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may have inadvertently entered the sewerage system.
 - (jj) *Sanitary sewer*. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants or institutions.
 - (kk) *Septage*. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
 - (ll) *Sewer*. A pipe or conduit that carries wastewater or drainage water.
- (mm) *Sewer service charge*. A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs, of said facilities.
- (nn) *Sewer system*. The public sanitary sewers within a sewerage system. The facilities that convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Village. Lift stations or pumping stations and all appurtenances thereto are included in this definition. For example, a Building Sewer is not part of the sewer system.

- (oo) *Shall*. The term is mandatory.
- (pp) *Significant industrial contributor*. A user that has a discharge flow that:
 - (1) Is greater than 25,000 gallons on any day of the year;
 - (2) Is greater than five percent of the total flow rate or design compatible pollutant loading received at the municipal wastewater treatment plant and/or is subject to pretreatment standards for incompatible pollutants as defined in Wis. Admin. Code Ch. NR 211; or
 - (3) Has been notified in writing by the Wisconsin Department of Natural Resources, the District or any municipality within the District that it is necessary to provide information concerning the concentration and quantity of the pollutants discharged.
- (qq) *Slug load*. Any substance released at a discharge rate and/or concentration that causes interference to the wastewater treatment processes.
- (rr) *Standard methods*. The analytical procedures performed in accordance with 40 CFR 136, or as the U.S. Environmental Protection Agency otherwise determines.
- (ss) *Storm drain*. Any device for the drainage of stormwater from land or the protection of land from water, including open ditches, tiles, pipelines, pumps and levees.
- (tt) *Stormwater runoff*. That portion of the rainfall that is collected and drained into the storm sewers.
- (uu) *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 nonfilterable residue.
- (vv) *Total Kjeldahl nitrogen (TKN)*. The quantity of organic nitrogen and ammonia as determined in accordance with standard methods.
- (ww) *Total phosphorus (TP)*. The quantity of total phosphorus as determined in accordance with standard methods.
- (xx) *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.
- (yy) *User*. Any person who discharges, or causes to be discharged, domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.
- (zz) *User charge*. The charges levied on the District customers, municipalities and/or users of the wastewater facilities for the cost of operation, maintenance and replacement of such wastewater facilities. The user charge is a component of the sewer service charge.
- (aaa) *Wastewater facilities*. The District's structures, equipment and processes that are designed to collect, carry and treat domestic wastewater and industrial discharges.
- (bbb) *Wastewater parameters*. Volume, CBOD, suspended solids, total Kjeldahl nitrogen, total phosphorus, actual customers, equivalent meters and such additional parameters as may, from time to time, be determined by the District.
- (ccc) *Wastewater treatment plant*. The District's arrangement of devices and structures for treating domestic wastewater and industrial discharges. Sometimes used as synonymous with "wastewater treatment" or "wastewater treatment works" or "water pollution control works."
- (ddd) *WPDES permit*. The District's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Wis. Stats. § 283.001 et seq.

(Code 1998, § 9-2-2)

State Law reference— Definitions, Wis. Stats. § 283.01.

Sec. 47-78. - Application for service.

- (a) Application for permission to connect a building sewer to a community sewer shall be made to the Village sewer utility on a form furnished by the sewer utility. The application must describe fully and truthfully all the wastes, which are anticipated to be discharged. If the applicant is not the fee simple owner of the property, the written consent of the owner must accompany the application. By submitting such an application, all users are deemed to have agreed to be bound by this Article, as amended from time to time.
 - (1) The application shall include at least the following information:
 - a. Name of property owner;
 - b. Legal description of property being served;
 - c. The number and type of plumbing fixtures to be connected.
 - (2) If it appears that the service applied for will not provide adequate service for the contemplated use, the Public Utilities Committee may reject the application. If the Public Utilities Committee approves the application, it shall issue a connection permit as shown on the application. No service shall be provided or application approved without prior payment of all applicable fees.
- (b) The applicant shall agree to install the building sewer in accordance with sewer utility and District specifications. No building sewer may be connected to a community sewer unless the community sewer is adequately sized to transport the additional flow. The size and kind of pipe for the building sewer shall be subject to the approval of the Director of Public Works, but in no case shall a pipe of less than four-inch diameter be used. The slope of the building sewer shall be no less than one-eighth-inch per foot. Such sewers shall be backfilled in the manner for water laterals as set forth in this Code. Prior to connection, each building sewer shall be inspected and approved by the Village Plumbing Inspector. All applications for disposal of industrial waste shall be on forms provided by the District and shall be approved by the Director of the District prior to connection to any community sewer.

(Code 1998, § 9-2-3)

Sec. 47-79. - User charge system.

- (a) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Subsection, except where the context clearly indicates a different meaning:
 - (1) *Debt service charges.* All costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
 - (2) *Normal domestic strength wastewater.* Wastewater with concentrations of CBOD, suspended solids, TKN, and total phosphorus no greater than 200, 250, 40 and ten milligrams per liter (mg/l) respectively.
 - (3) *Normal user.* A user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, flat, or other living quarters occupied by a person constituting a distinct household, business or commercial enterprise.
 - (4) *Operation and maintenance costs.* All costs associated with the operation and maintenance of the sewerage system.
 - (5) *Replacement costs.* All costs necessary to replace equipment as required to maintain capacity and

performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used for only replacement of equipment.

- (b) *Policy.* It shall be the policy of the Village to obtain sufficient revenues to pay the costs of operation and maintenance of the sewerage system, including debt service and a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed), through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the costs of such facilities.
- (c) *Basis for charges.*
 - (1) *Determinations of charges.* Sewer service charges to each user shall be based on wastewater parameters recommended from time to time by the Public Utilities Committee and adopted by the Village Board. The sewer service charges shall consist of the sum of the annual debt service charges, all annual operation and maintenance costs, all replacement costs, and all sewer service charges levied or assessed to the Village by the District, plus an amount to be used for working capital and capital improvements as determined by the Public Utilities Committee.
 - (2) *Biennial review.* The sewer service charges of the Village shall be reviewed not less than biennially. Sewer service charges will be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of such sewer service charges attributable to operation and maintenance, debt service and replacement costs. For purposes hereof, the Public Utilities Committee may satisfy this notice requirement by including in the budget summary required to be published under Wis. Stats. § 65.90, a statement of the aforementioned components of the sewer service charges, based on the results of operations for the preceding fiscal year.
 - (3) *Rates determinations.* The Public Utilities Committee shall review each year the rates referred to in Subsection (d) of this Section and may recommend amendments to the rates at any time to the Village Board.
- (d) *Sewer service charges.* A sewer service charge is hereby imposed upon each lot, parcel of land, building or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charges shall be payable as hereinafter provided, and in an amount determinable as follows:
 - (1) There shall be three classes of users.
 - a. Category A metered users shall be those discharging normal domestic strength wastewater with up to 250 milligrams per liter for CBOD, and/or 250 milligrams per liter of suspended solids, and/or 40 milligrams per liter or TKN, and/or ten milligrams per liter of TP.
 - b. Category B users shall be those whose wastewater meets the criteria applicable for category A users, but whose water use is unmetered.
 - c. Category C users shall be metered users whose wastewater discharges are high strength wastewater having organic concentrations of CBOD greater than 250 milligrams per liter and/or suspended solids greater than 250 milligrams per liter and/or TKN greater than 40 milligrams per liter, and/or TP greater than ten milligrams per liter.
 - (2) Each user shall be charged a bimonthly customer charge based upon the size of the water meter serving the user. The customer charges shall be as established by the Village Board from time to time and provided in Appendix A to this Code.

- (3) Each user shall also be charged a volume charge expressed in dollars per 1,000 gallons of metered water. The charge for each 1,000 gallons of normal domestic strength wastewater discharged to the sanitary sewer system shall be established by the Village Board from time to time and provided in Appendix A to this Code.
 - (4) Category A users shall be charged a service charge consisting of the customer charge plus the volume charge for each applicable billing cycle.
 - (5) Category B users discharging normal domestic strength wastewater shall be billed at the rate established by the Village Board from time to time and provided in Appendix A to this Code. This rate shall be applied only to single-family residential and small commercial customers, and approximates the costs for 12,500 gallons bimonthly discharged to the sewer system. If it is determined by the sewer utility that the user discharges more than 12,500 gallons bimonthly to the system, an additional charge established by the Village Board from time to time and provided in Appendix A to this Code will be made for estimated additional usage.
 - (6) Category C users shall be billed, in addition to the applicable customer charge and volume charge, a high strength surcharge as part of their service charge. The BOD charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The suspended solids charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The TP charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. The TKN charge shall be as established by the Village Board from time to time and provided in Appendix A to this Code. All category C users shall have their wastestreams sampled periodically to determine the extent to which the wastewater stream is subject to the high strength surcharge.
- (e) *Reassignment of sewer users.* The Village 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.
 - (f) *Billing, payment and penalty.* Sewer service charges shall be billed to each user once every two months, or more frequently, if so determined by the Public Utilities Committee. Such charges shall be payable not later than 20 days after the end of each billing period, unless the time for payment has been extended. A penalty of one percent per month shall be added to all bills not paid by the date fixed for payment.
 - (g) *Charges a lien.* All sewer service charges shall be a lien upon the property serviced pursuant to Wis. Stats. § 66.0821(4)(d), and shall be collected in the manner therein provided.
 - (h) *Disposition of revenue.* The amounts received from the collection of charges authorized by this Section shall be credited to a sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the provision of 40 CFR 35.929, 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 part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village may resolve to pledge such surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
 - (i) *Excess revenues.* Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for next year.

- (j) *Annual audit.* The Village shall authorize and conduct an independent annual audit, the purpose of which shall be maintain proportionality between users and user classes of the user charge system and to ensure that adequate are available relative to increasing operation, maintenance and replacement costs and debt retirement. The findi recommendations of this audit shall be published in the Village's official newspaper.

(Code 1998, § 9-2-4; Ord. No. 98-01, §§ 1—3, 1-12-1998; Ord. No. 99-01, §§ 1—3, 1-11-1999; Ord. No. 2000-01, §§ 1—3, 1-10-2000; Ord. No. 2003-05, § 30, 3-24-2003; Ord. No. 2007-05, 6-11-2007; Ord. No. 2008-01, § 1, 1-14-2008)

Sec. 47-80. - Credit for water not discharged to sewer.

If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service provided a meter has been installed to measure such water. The customer must, at the customer's own expense, make necessary changes in the water piping and install couplings so that a meter can be set. A charge as established by the Village Board from time to time and provided in Appendix A to this Code per quarter shall be made for each such meter up to a one-inch meter.

(Code 1998, § 9-2-5)

Secs. 47-81—47-103. - Reserved.

DIVISION 2. - USE OF PUBLIC SEWERS

Sec. 47-104. - Prohibited connections.

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

(Code 1998, § 9-2-6(a))

Sec. 47-105. - Mandatory connections.

- (a) Every owner of a parcel of land shall connect to a public sewer whenever all of the following conditions exist:
 - (1) The parcel of land is adjacent to a public sewer;
 - (2) There is located upon such parcel a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade, business of industry; and
 - (3) Such building or structure is being served by a private sewage disposal system or treatment works.
- (b) Such connection shall be made no later than 12 months after the installation of the public sewer adjoining such parcel. Upon failure to do so, the Public Utilities Committee may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within 30 days, such costs shall constitute a special tax lien against the property in the manner provided for by law. However, the owner may, within 30 days after the completion of the work, file a written notification with the Public Utilities Committee stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five or less equal

installments. The amount shall be so collected with interest at a rate not to exceed 15 percent per annum from the date of completion for the work, all as determined by the Public Utilities Committee. The unpaid balance shall constitute a special tax lien, all pursuant to Wis. Stats. § 281.45, as amended.

(Code 1998, § 9-2-6(b))

Sec. 47-106. - Prohibited discharges.

- (a) *General prohibitions.* No person shall discharge wastes to a community or intercepting sewer which cause, or are capable of causing, either alone or in combination with other substances:
 - (1) A fire or explosion;
 - (2) Obstruction of flow or damage to the wastewater facilities;
 - (3) Danger to life or safety or welfare of persons;
 - (4) Air pollution as defined in Wis. Stats. § 285.01(3), as amended from time to time, and any regulations or orders of any regulatory agency issued thereunder;
 - (5) Prevention of effective maintenance or operation of the wastewater facilities;
 - (6) Any product of the District's treatment processes of any of the District's residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with reclamation processes;
 - (7) A detrimental environmental impact, a nuisance or any condition unacceptable to any public agency having regulatory jurisdiction over the District;
 - (8) Any sanitary sewer or the District's wastewater facilities to be overloaded;
 - (9) In the opinion of the Director of the District, excessive District collection and treatment costs, or the use of a disproportionate share of the District's facilities;
 - (10) Cause the District to violate its WPDES permit.
- (b) *Specific prohibited discharges.* Prohibited discharges shall include, but not be limited to:
 - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - (2) Any wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction or in combination with other wastes, to injure or interfere with any waste treatment process, constitute a danger to humans, flora or fauna, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
 - (3) Any waters or wastes having a pH lower than 5.5 or higher than ten or having any other corrective property capable of causing damage or hazard to structures, equipment or treatment works personnel.
 - (4) Solids or viscous substances including, but not limited to, such substances as ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, improperly shredded garbage, whole blood, paunch manure, hair and fleshings, entrails, dishes, cups, milk containers, either whole or ground by garbage grinders.
 - (5) Any wastewater from industrial plants containing floatable oils, fats or greases.
 - (6) Any wastewater that contains organo-sulfur or organo-phosphate pesticides, herbicides or fertilizers.
- (c) *Prohibitions on storm drainage and groundwater.*
 - (1) Stormwater, groundwater, rainwater, street drainage, roof runoff and subsurface drainage shall not be discharged into community sewers without prior approval of the community and the District or into intercepting sewers without prior approval of the District. Such approval shall be granted only when no reasonable alternative method of disposal is available.

- (2) Polluted stormwater runoff from limited areas may be discharged to the sanitary sewer upon approval by the District, payment of applicable charges and fees and compliance with conditions required by the community District.
- (d) *Prohibition of unpolluted water.* Unpolluted water, including, but not limited to, cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged into community sewers without prior approval of the community and the District or into intercepting sewers without prior approval of the District. Such approval shall be granted when no reasonable alternative method of disposal is available and upon payment of applicable charges and fees and compliance with conditions as required by the community and District.

(Code 1998, § 9-2-6(c))

Sec. 47-107. - Limitations on discharge characteristics.

- (a) *Limitations related to treatment plant influent.* Discharge to the public sewerage system of the following described substances, materials, waters or wastes shall be limited to the following concentrations or quantities, which concentrations or quantities will not harm the sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; will not have an adverse effect on the District's sludge management program; will not endanger persons or property; will not cause air pollution or other detrimental environmental effects; and will not constitute a nuisance.
- (1) Liquid having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or any wastewater having a temperature that will inhibit biological activity in the District's treatment plant thereby resulting in interference. Notwithstanding the foregoing, in no case shall wastewater be discharged having a temperature that causes the influent to the District's treatment plant to exceed 40 degrees Celsius (104 degrees Fahrenheit), unless the treatment plant is designed to accommodate such temperature.
 - (2) Wax, grease, oil, plastic or any other substance that solidifies or becomes discernibly viscous.
 - (3) Radioactive wastes that, alone or with other wastes, result in releases greater than those specified by current United States Bureau of Standards Handbooks or which violates rules or regulations of any applicable regulatory agency.
 - (4) Wastewater containing more than 50 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
 - (5) Wastewater containing more than 300 mg/l of oil or grease of animal or vegetable origin.
 - (6) Wastewater that, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.
 - (7) Wastewater that contains in excess of any of the following constituents in a 24-hour flow proportionate sample made up of an aggregate of the total discharge from all of the outfalls of the industrial user:

1.0	mg/l aluminum
0.25	mg/l cadmium
0.5	mg/l hexavalent chromium

10.0	mg/l total chromium
1.5	mg/l copper
5.0	mg/l lead
0.02	mg/l mercury
0.3	mg/l selenium
3.0	mg/l silver
8.0	mg/l zinc
2.0	mg/l nickel
0.1	mg/l cyanide

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

- (8) Industrial discharges exceeding applicable National Categorical Pretreatment Standards or state standards.
 - (9) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solution.
 - (10) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 - (11) The District may alter, amend or modify the limitations established in Subsection (a) of this Section, if it determines that it is necessary to meet the objectives of this Article or the conditions of the District's WPDES permit.
- (b) *Limitations related to treatment plant effluent.*
- (1) No person shall discharge any wastewater to the public sewerage system that, in combination with other discharges, results in either:
 - a. The District's treatment plant effluent having concentrations exceeding the following limits:
 - 1. One tenth mg/l total phenols; or
 - 2. Two one thousandths mg/l polychlorinated biphenols (PCBs).
 - b. The District's treatment plant digested sludge exceeding a PCB concentration of ten ppm on a dry-weight basis.
 - (2) No person shall cause or permit a discharge into any public sewerage system that would cause, or significantly contribute to, either directly or indirectly, a violation of the conditions of the District's WPDES

permit and any modification or reissuance thereof.

- (c) *Limitations superseded.* Upon promulgation of National Categorical Pretreatment Standards for a particular industrial user subcategory, the federal standards, if more stringent than the limitations imposed under this Article, shall immediately supersede the limitations imposed under this Article, and such industrial user shall comply with said federal standards. The District shall notify all affected users of the applicable requirements under 40 CFR 403.12.
- (d) *No dilution of industrial discharges.* Dilution of an industrial discharge for purposes of reducing the pollutant characteristics or concentrations to below the limitations established in this Section or below other applicable pretreatment standards is prohibited.

(Code 1998, § 9-2-6(d))

Sec. 47-108. - Accidental discharge of prohibited wastewater.

Any person who accidentally discharges into the public sewerage system wastes or wastewater prohibited under this Article shall immediately report such a discharge to the Director of the District and shall report the location of the discharge, the time thereof, the volume thereof and the type of waste or wastewater so discharged. Within 15 days of such discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent a future occurrence shall be submitted to the Director of the District. Such reporting shall not relieve the person causing the accidental discharge from any penalties imposed by this Article. Where the Director of the District deems necessary, industrial users shall provide facilities to prevent accidental discharges or spills of wastes or wastewaters prohibited under this Article.

(Code 1998, § 9-2-6(e))

Sec. 47-109. - Sand and grease trap installations.

The installation of grease, oil and sand interceptors at repair garages, gasoline stations, car washes and other industrial or commercial establishments shall be required, where necessary in the opinion of the Director of the District, to prevent discharge of sand, flammable wastes, oil and grease in amounts exceeding the limits of Sections ~~47-106~~—47-108. All such traps shall be constructed and maintained by the owner at the owner's expense, in accordance with the Wisconsin Plumbing Code and the specifications of the Village, and shall be readily accessible for cleaning and inspection.

(Code 1998, § 9-2-6(f))

Sec. 47-110. - Limitations on discharge of septage wastes and other wastes.

Any septage waste or other waste permitted to be discharged under this Article shall be of domestic origin or contain compatible pollutants only. The person or licensed disposer making the discharge under this Article shall comply with the provisions of any and all applicable rules and regulations and shall comply with this Article. Without intending to limit the application of other provisions of this Article, such person or licensed disposer shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, volatile or flammable liquids, or other deleterious substances into any manhole or community sewer, or into the District's wastewater facility, nor shall such person or licensed disposer allow any grease, earth, sand or other solid materials to pass into any part of the sewerage system, nor shall such person or licensed disposer discharge any liquid, gaseous or solid wastes determined by the Director of the District to be detrimental to the sewerage system or to the District's employees or to the process of sewage treatment. No discharges shall be permitted directly into any of the District's interceptor sewers, unless the Director of the District so authorizes.

(Code 1998, § 9-2-6(h))

Sec. 47-111. - Permits to discharge septage wastes.

- (a) No discharge shall be made under this Article unless the person or licensed disposer making the discharge has been issued a permit. All applications for a permit shall be in writing, shall contain such information as the Director of the District deems appropriate and shall be submitted to the Director of the District no later than September 1 of each year. No permit once issued shall be assignable or transferable by the person receiving the same. All such permits shall be valid for a period of one year, beginning on October 1, and expiring on September 30 of each year. No holder of any permit shall acquire any vested right or privilege by reason thereof.
- (b) If the municipality determines to issue a permit under this Article, such permit may be issued upon such terms and conditions as the issuer may provide, and any such permit shall provide as a minimum the following:
 - (1) The permit shall be conditioned upon the holder's faithful compliance with the provisions of the District's Sewer Use Ordinance, as amended from time to time, and this Article.
 - (2) The agreement of the holder thereof to indemnify the District and the municipality, if applicable, from and against any and all liability for injury or damage arising out of or related to the activities of holder in exercising the rights granted. The District and the municipality, if applicable, may require the holder of such permit to post a bond written by a bonding company licensed to transact business in Wisconsin, to guarantee performance of the holder thereof.
 - (3) Evidence that the holder thereof has in full force and effect sufficient worker's compensation insurance, public liability and property damage insurance.

(Code 1998, § 9-2-6(i))

Sec. 47-112. - Wastewater measurement, sampling and reporting and monitoring facilities.

- (a) Wastewater characteristics and constituents shall be monitored to determine compliance with this Article and to facilitate an equitable system of service charges.
- (b) A new user who expects to discharge, or who is capable of discharging, wastewater having constituents or characteristics different from domestic wastewater shall install a monitoring facility.
- (c) An existing user whose discharges are different from domestic wastewater may be required by the District or municipality to install a monitoring facility. Construction of such facility must be completed within 90 days after the user has been notified of the requirement, unless the District grants an extension of time.
- (d) All monitoring facilities shall be constructed at the owner's expense, in accordance with the plans approved by the municipality and the District. The monitoring facility shall contain the necessary flow monitoring and sampling equipment to facilitate the observation, sampling and measurement of wastes and shall be maintained by the owner so as to be safe and accessible at all times.
- (e) The requirements of Subsections (b), (c) and (d) of this Section may be waived by special written permission of the Director of the District.

(Code 1998, § 9-2-6(j))

Sec. 47-113. - Owner's maintenance of building sewer.

The owner of property abutting a public sewer shall maintain sewer service from the public sewer main to the structure or building on the owner's property, including all controls between the same, without expense to the Village or Public Utilities Committee, except when they are damaged as a result of negligence or carelessness on the part of the respective Village or

Public Utilities Committee. Without intending to limit the generality of the foregoing, the owner has the sole responsibility for the repair and maintenance of all building sewers; and the ownership thereof shall at all times be vested in such property owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building. In the event of any obstruction of, damage to or repair of a building sewer, the same shall be the responsibility of the property owner, except as provided for in Section 47-151 or as otherwise provided for herein.

(Code 1998, § 9-2-6(k))

Secs. 47-114—47-140. - Reserved.

DIVISION 3. - ADMINISTRATION, ENFORCEMENT, VIOLATIONS AND PENALTIES

Sec. 47-141. - Damages.

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

(Code 1998, § 9-2-7(a))

Sec. 47-142. - Written notice of violation.

Any person connected to the sewerage system found to be violating a provision of this Article 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.

(Code 1998, § 9-2-7(b))

Sec. 47-143. - Accidental discharge.

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system that causes damage to the sewerage system and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the Village.

(Code 1998, § 9-2-7(c))

Sec. 47-144. - Accidental discharge reporting.

Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village or the District.

(Code 1998, § 9-2-7(d))

Sec. 47-145. - Liability to Village for losses.

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

(Code 1998, § 9-2-7(f))

Sec. 47-146. - Damage recovery.

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

(Code 1998, § 9-2-7(g))

Sec. 47-147. - Penalties.

Any person who shall violate any of the provisions of this Article 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 that are incorporated by reference, shall upon conviction thereof be punished as provided in Section 1-16 and the costs of prosecution.

(Code 1998, § 9-2-7(h))

Sec. 47-148. - Appeal procedures.

Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provision of this Article may file with the Village a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Village upon receiving the request for reconsideration shall publish the request in the official newspaper. The Public Utilities Committee shall render a decision on the request for reconsideration of the user in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Public Utilities Committee is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village Board.

(Code 1998, § 9-2-7(i))

Sec. 47-149. - Optional penalty for failure to make mandatory connection.

In lieu of causing a mandatory connection to a public sewer main to be made at its order, the Public Utilities Committee, at its option, may impose a penalty for the period that the violation continues after ten days' written notice to any owner failing to make such connection to the sewer system. The penalty shall be in the amount of \$100.00 per day. Upon failure to make such payment, such penalty shall be assessed as a special tax lien against the property pursuant to Wis. Stats. § 281.47.

(Code 1998, § 9-2-7(j))

Sec. 47-150. - Tap permits.

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

(Code 1998, § 9-2-8(a))

Sec. 47-151. - Obstruction of building sewers in public rights-of-way.

In the event of any blockage, damage or break in any building sewer, which occurs within a public street, alley, highway, or other public right-of-way, the Public Utilities Committee shall have the exclusive right and option to repair the building sewer within said street, alley, highway or right-of-way. In such event, the owner of the building sewer shall promptly reimburse the Public Utilities Committee for all costs so incurred. If not so reimbursed, the same shall be added to the owner's sewer service charges and collected in the same manner as such charges are so collected.

(Code 1998, § 9-2-8(b))

Sec. 47-152. - Backflow preventer.

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

(Code 1998, § 9-2-8(c))

Sec. 47-153. - User use only.

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

(Code 1998, § 9-2-8(d))

Sec. 47-154. - Discontinuance of service.

Whenever any person desires to discontinue sewer service from the system, the Public Utilities Committee must be notified in writing prior to such disconnection. Disconnection shall only be allowed where a structure is demolished. The fact that a structure is vacant shall not entitle the property owner to discontinue sewer service or to an abatement of sewer service charges.

(Code 1998, § 9-2-8(e))

Sec. 47-155. - User to permit inspection.

Every user shall permit the duly authorized agent of the Village or Public Utilities Committee, at all reasonable times, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and the user must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Section and Wis. Stats. § 196.171, to the extent applicable.

(Code 1998, § 9-2-8(f))

Sec. 47-156. - Title to real estate and personal property.

All property, real, personal and mixed, including, but not limited to, easements, acquired for the construction of each sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of and titled in the name of the Village for the benefit of the Public Utilities Committee. Nothing contained in this Section shall be construed as revoking, changing, abandoning or otherwise altering any conveyance of property previously made to the Village prior to the effective date of the ordinance from which this Section is derived; and such title shall be deemed to be vested in the Village as provided for herein.

(Code 1998, § 9-2-9)

Sec. 47-157. - Additions to Madison Metropolitan Sewerage District.

Whenever any real estate or any easement therein or use thereof shall in the judgment of the Public Utilities Committee be necessary to the sewer system, and whenever for any reason an agreement for purchase from the owners cannot be made, the Public Utilities Committee, after approval of the Village Board, shall proceed with all necessary steps to take such real estate easement or use by condemnation in accordance with the Wisconsin Statutes and any other applicable federal or state provisions.

(Code 1998, § 9-2-10)

Sec. 47-158. - Disconnection and refusal of service.

- (a) *Reasons for disconnection.* Sewer service may be disconnected or refused for the following reasons:
 - (1) Violation of this Article, as amended from time to time;
 - (2) Violation of the District ordinance, as amended from time to time;
 - (3) Failure to pay the application fee, any connection fee or delinquent account of the user.
- (b) *Discontinuation for delinquent accounts.* A bill for service is delinquent if unpaid after the due date shown on the bill. The Public Utilities Committee may disconnect service for a delinquent bill by giving the user at least eight calendar days prior to disconnection, a written disconnect notice, which may be included in the bill for service. For purposes of this rule, the due date shall not be less than 20 days after issuance of the bill. The Public Utilities Committee may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any user for failure to comply with the applicable requirements of these rules and regulations or if a dangerous or unsafe condition exists on the user's property.

(Code 1998, § 9-2-11)

Sec. 47-159. - Connection fees.

- (a) *Madison Metropolitan Sewerage District charges.* For each connection of a building sewer to a public sewer within the Village, there shall be paid a connection charge as determined pursuant to Section 4.7 of the Madison Metropolitan Sewerage District ordinance, as amended from time to time.
- (b) *Utility charges.* For each connection of a building sewer to a public sewer within the Village there shall be paid connection charges. Such connection charges shall be assessed to the person seeking the connection and shall be paid as a condition precedent to the actual connection. The following connection charges shall apply: The charge established by the Village Board from time to time and provided in Appendix A to this Code for sewer hookup and lateral for new buildings.
- (c) *Failure to pay violation of Article.* For purposes of this Article, the connection charges described in Subsections (a) and (b) of this Section are collectively referred to as "connection fees." The failure to pay any connection fee

is a violation of this Article, and the Public Utilities Committee may pursue all rights and remedies provided for herein.

(Code 1998, § 9-2-12)

Sec. 47-160. - Abatement procedures.

- (a) *Violations constituting public nuisance.* A violation (other than the failure to pay sewer service charges or other fees or costs due under this Article) of any provision of this Article or any other rule or order of the Public Utilities Committee or Village is hereby declared to be a public nuisance.
- (b) *Enforcement.* The Public Utilities Committee or Village shall have the right to enforce the provisions of this Article and shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this Article to abate a public nuisance unless the Public Utilities Committee or Village shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied itself that a nuisance does in fact exist.
- (c) *Summary abatement.* If the Public Utilities Committee or Village determines that a public nuisance exists within the Village and that there is great and immediate danger to public health, safety, or welfare, the Public Utilities Committee or Village may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- (d) *Abatement after notice.* If the Public Utilities Committee or Village determines that a public nuisance exists on the private premises but that the nature of such nuisance is not such as to present great and immediate danger to the public health, safety, or welfare, the Public Utilities Committee or Village shall serve notice to the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within such ten days, the Public Utilities Committee or Village shall cause the nuisances to be removed as provided in Subsection (c) of this Section.
- (e) *Other methods not excluded.* Nothing in this Article shall be construed as prohibiting the abatement of public nuisances by the Public Utilities Committee or the Village or its officials in accordance with the laws of the state.
- (f) *Court order.* Except when necessary under Subsection (c) of this Section, the Public Utilities Committee or Village shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- (g) *Cost of abatement.* In addition to any other penalty imposed by this Article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Public Utilities Committee or Village shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge. For purposes hereof, costs shall include, but not be limited to, actual attorneys' fees and court costs.

(Code 1998, § 9-2-13)

Secs. 47-161—47-188. - Reserved.

Appendix C

SEWER BACKUP INTAKE REPORT

Complete this checklist each time a backup is reported. Help the caller remain be calm and rational. Show empathy and maintain a professional manner. Never insinuate or admit any fault on the part of either the caller or the utility.

Name of Caller: _____

Date of Call: _____ Time of the Call: _____ a.m./p.m.

Approximate date and time of the overflow, if different than above: _____ a.m./p.m.

The location address, or nearest cross street: _____

Location of overflow (basement, restroom, laundry room, etc.): _____

Approximate size of overflow in gallons: _____

Immediate health or safety issues: _____

Property at risk or affected by the overflow: _____

Is the overflow expanding, stationary or receding? _____

What has or is being done by the caller or others? _____

The Callers Phone Number: _____

INSTRUCTIONS TO THE CALLER

1. Instruct the caller to take proper precautions to minimize loss and potential health effects:
 - Keep children, pets and others out of the overflow.
 - Electrical appliances in affected areas present an electrocution hazard.
 - Move uncontaminated property away from the overflow area.
2. Clearly communicate who will be out to the site and approximately when they should arrive.
3. Explain what area(s) they will need to have access to.
4. Explain how the action to be taken is dependent upon the location of the blockage:
 - If blockage is in the municipality's main lines it will be promptly cleaned.
 - If blockage is in the owner's lateral line, the municipality cannot work on private property.
 - In that case, inform callers that they must contact a local sewer service or cleanup firm. You may wish to offer a prepared list of cleaning contractors (without recommendations).
5. Give the caller your name, title and phone number.
6. Never respond to questions about legal responsibility. Explain that the municipality's insurance provider will investigate any responsibility for the backup.
7. Record the information in a daily or weekly incident log.
8. Quickly refer the call, and forward a copy of this report to the appropriate supervisor or on call person.

Appendix D

ONSITE SEWER BACKUP ASSESSMENT

(To be completed after the backup problem is corrected. Complete one assessment for each property involved.)

Date and time you arrived onsite: _____ a.m./p.m.
Property Owner's / Resident's Name: _____
Address or nearest cross street: _____
Municipal personnel involved in clearing overflow: _____

Approximate date & time of overflow: _____ a.m./p.m.
Location of overflow (basement, restroom, laundry room, etc. _____

Approximate size of overflow in gallons: _____

**Use the buddy system when entering a private residence or business.
DO NOT track sewage to uncontaminated areas of the property.**

List items that have been affected by the overflow: _____

Did the property owner/resident take action to protect the property?	Yes _____	No apparent action _____
Has a cleaning contractor been contacted by the property owner/resident?	Yes _____	No _____
Is the backup likely to affect fish or wildlife?	Yes _____	No _____
If yes, has the EPA and DNR been notified?	Yes _____	No _____
Initial actions taken (sign posted, barricades, sample taken, public notified): _____		

Subsequent actions taken to prevent future overflows at this location: _____

Did you observe conditions that may have led to the overflow? Yes _____ No _____ If Yes, what were they? _____

INFORMATION FOR THE PROPERTY OWNER/RESIDENT

1. Instruct the property owner/resident to take the following precautions to minimize loss and potential health effects, if not already done:
 - Keep children, pets and others out of the overflow.
 - Electrical appliances in affected areas present an electrocution hazard – **USE CAUTION**
 - Move uncontaminated property away from the overflow area.
2. Clearly communicate that if blockage is in the municipality's main lines it will be promptly cleared, but if blockage is in the property owner's lateral line, municipal employees will not be allowed to clear it. In that case, property owners/residents must contact a local sewer service or cleanup firm.
3. Suggest using the internet to locate cleaning contractors. **DO NOT** make any recommendations.
4. Show concern and empathy for the property owner/resident, but do not admit or deny liability. Remain calm and professional, even if the property owner/resident is distraught and emotional; if violent, leave the site and call for assistance.
5. Give the property owner/resident your name, title and phone number for future reference.
6. Provide the resident with a copy of the flyer, "*Information for Homeowners & Residents - Facts About Sewer Backup Incidents.*"
7. Forward a copy of this Report to the appropriate supervisor.

Appendix E

SEWER BACKUP FOLLOW-UP INVESTIGATION

Following an overflow incident, a full investigation may indicate additional follow-up actions to be taken, suggest procedural changes that could improve future responses, and will provide full information to claims adjusters.

Location/Address of Overflow _____

Onsite Response Personal _____ Date of Onsite Response: _____

Property Owner Name _____ Phone: _____

FINDINGS (Answer all questions that can be determined):

Date the municipality was first notified of the problem? How notified?	
What action was taken when notified, and when?	
What was the apparent extent of damage to property?	
What was the apparent cause of the backup?	
What methods of investigation were used (visual, videos, etc.)	
What is the estimated age of the sewer main?	
Type of construction of the sewer main?	
What is the record of frequency of inspection/cleaning at the site?	
Last date of inspection/ cleaning prior to the incident?	
Method of cleaning/inspection on that last date (flushed, jetted, rodded, etc.)	
Was this problem found to be in the main or the lateral?	
Have there been prior problems with blockage in the main? When?	
Are there major industries, schools, restaurants on this main? How close?	
Was the municipality doing any work in the area prior to the backup? If so, what was being done?	

The Backup Investigation Report must be completed and returned to the supervisor within 7 days of the onsite assessment and action, and forwarded to the insurance carrier.

Appendix F

Public Works Contact Information

Village of McFarland Sanitary Sewer Reference and Emergency Contact List

3/5/19jrh			
Department/Agency	Name	Position	Office Number
Public Works	Public Works Office		608-838-7287
Public Works	On Call Staff		608-212-2625
Public Works	Jim Hessling	Management	608-838-7287
Police Department	Police Office		608-838-3151
	Dane County Dispatch		608-255-2345
	Craig Sherven	Police Chief	608-838-3151
Fire Department	Fire/EMS		608-838-3278
	Dane County Dispatch		608-255-2345
	Chris Dennis	Fire Chief	608-838-3278
Village Media Spokesperson	Matt Schuenke	Village Administrator	608-838-3153
Department of Natural Resources		General Number	888-936-7463
Madison Metropolitan Sewerage District	MMSD Offices		608-222-1201
Roto-Rooter (sewer and drain cleaning)			608-256-5189
Dvorak Pumping			608-255-1022
McCann's Underground (sewer and drain cleaning)			608-222-6007
L.W. Allen (lift station controls)			608-222-8622
Town & Country Engineering (Village Engineer)	Brian Berquist		608-273-3350
Gausmann Trenching	Steve Gausmann	Excavating Company	608-222-5070
Capital Underground		Excavating Company	608-318-1595
Homburg Contractors		Excavating Company	608-244-9226
R.G. Huston Company		Excavating Company	608-255-9223
ServPro		Restoration Company	833-683-3460
Paul Davis Restoration		Restoration Company	855-749-9102

Appendix G

Information For Homeowners and Residents

- Facts About Sewer Backup Incidents –

Sewer backups are an unfortunate but common problem in U.S. cities and towns. Although municipal departments make every effort to prevent such incidents, they still may occur. The following information is offered to help property owners and residents understand why backups happen, how they can be prevented, and what steps citizens should take if a sewer backup affects their property. The following questions and answers may be helpful:

What causes a sewer backup?

Sanitary sewer overflows can be caused by a number of factors. They usually involve sewer pipe blockages in either main sewer lines or service laterals (lines between buildings and the main line). Causes may include pipe breaks or cracks due to tree roots, system deterioration, grease, tree roots, hair, or solid materials, such as disposable diapers or sanitary napkins that should not be put down the drain. Such materials may cause major backups in Village lines as well as in residents' lateral lines.

How could a sewer backup affect me?

If the backup occurs in a Village maintained line, the wastewater will normally overflow out of the lowest possible opening, which is usually a manhole. However, in some homes—especially those with basements, or where the lowest level is even with the sewer lines—the overflowing wastewater may exit through the home's lower drains and toilets.

What should I do if sewage backs up into my home?

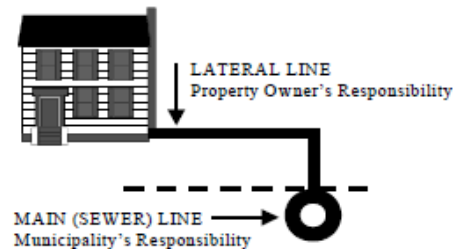
First, take action to protect people and valuable property:

- Keeping in mind that ceramic plumbing fixtures such as toilets are fragile, quickly close all drain openings with stoppers or plugs. Tub, sink, and floor drains may need additional weight to keep them sealed. A string mop can be used to help plug toilet openings.
- Don't run any water down your drains until the blockage has been cleared.
- A quick check with nearby neighbors will help determine if the backup appears to be in your neighbor's wastewater line, and/or widespread in your neighborhood. In this case, call the Department of Public Works immediately. Numbers are listed at the end of this flyer.
- Call a plumber if the problem is in your lateral service line.

If I call the Village, what will they do about a sewer backup onto my property?

- You will be asked questions about the backup timing, location, the property at risk, etc.
- Village personnel will check for blockages in the main line. If found, the blockage will be immediately cleared.
- If the main line is not blocked, you will be advised to call a plumbing or sewer contractor to check your lateral line. Maintenance and repair of the lateral line is the owner's responsibility. (See diagram below.)

Lateral Line Property Owner's Responsibility:



- To minimize damage and negative health effects, you should arrange for cleanup of the property as soon as possible. There are qualified businesses that specialize in this type of cleanup.
- If the sewer backup onto your property resulted from blockage in the main sewer line, Village personnel will explain what the Village can immediately do to help take care of the problem.

Is there anything I can do to prevent sewage backup into my home?

- DO NOT put grease down your garbage disposal or household drain. It can solidify, collect debris and accumulate in Village lines, or build up in your own system.
- DO NOT flush disposable diapers, sanitary napkins or paper towels down the toilet. They could stop up your drains and may damage your plumbing system.
- If the lateral line in your older home has a jointed pipe system, consider whether the roots of large shrubs or trees near the line could invade and break pipes. It is a good idea to know the location of your lateral line(s).
- If the lowest level of your home is below ground level, such as a basement floor drain, it may one day be affected by a backup. One way to prevent sewage backup through such below ground areas is to install a "back-flow valve" on the lowest drain(s). You can also use a plumber's test plug to close these drains when not in use.
- For further information about preventive measures, contact a plumber or plumbing supply dealer.

Will my insurance cover any damage to my home or property?

In the majority of cases, a special rider will need to be added to your homeowner's or renter's insurance policy to cover damages related to sewage backups or water damage. This optional coverage is usually not very expensive, but you must usually request that it be added to your policy. Check with your insurance agent about this policy provision.

Call your insurance agent today to have this coverage added to your policy.

How and where should I report a sewer backup?

Emergency crews are on call 24 hours a day to assist you. In an emergency such as a sewer line backup, or if you observe any vandalism associated with the wastewater or sewer lines, contact the Public Works Department at 608-838-7287 or if after hours the emergency Crew Phone at 608-212-2625.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Tuesday, March 12, 2019

SECTION: Business

DEPARTMENT: Administration

CONTACT: Matt Schuenke, Village Administrator, Jim Hessling, Assistant Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding the creation of a No Fault Sanitary Sewer Backup Reimbursement Policy.

PREVIOUS ACTION:

The Committee previously recommended approval of the enclosed Policy at its meeting on December 19, 2017. This was then considered by the Village Board on January 22, 2018 and February 12, 2018. The revisions noted in the attachment were following the Village Board's review of the document at their first meeting.

ISSUE SUMMARY:

The Committee has considered this issue in the past and forwarded its recommendation to the Village Board. Since that time, the Village Board took the following action as direction in response:

Motion by President Czebotar, seconded by Trustee Clow, to refer the question on a self-insurance policy for sanitary sewer backup policy to the Public Works and Public Utility Committee with additional information from the League of WI Municipalities and the additional changes proposed by the Board at the previous meeting.

Since that time the Committee has been working on the manual at different intervals throughout 2018 and as part of this meeting has a full version of the Sewer Backup Manual for consideration. The direction from the Village Board was for the Committee to consider that manual with the possibility of this proposed policy as part of its recommendation back to the Village Board. Essentially, does the Committee still want to advance this policy now that a separate operating policy can be established.

FINANCIAL/BUDGET IMPACT:

There are limits within the policy on the payment of these claims. Both on an annual and per occurrence basis. Funding would be built up within the Utility Fund for the sanitary sewer service.



VILLAGE PLAN REFERENCE:

None.

ORDINANCE REFERENCE:

None.

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended for consideration by the Committee in conjunction with the backup manual presented in the previous item.

ATTACHMENTS:

1. Chapter 1 - No Fault Sewer Backup Policy 02022018 mgs

CHAPTER 1 No Fault Sanitary Sewer Backup Reimbursement Policy

SECTION 1.01 General

- (a) This Policy is intended to increase citizen awareness of the operational dynamics of wastewater collection systems and their responsibilities relative to maintenance and protection against potential property damage from sanitary sewer backups. In addition, this Policy provides for limited assistance to Village of McFarland (“Village”) property owners who have experienced property damage as a direct result of backup of the Village’s sanitary sewer system even if it is determined the Village is not at fault, subject to the limitations and conditions in this Policy.
- (b) The Village is responsible for maintaining sanitary sewer mains, manholes, pump stations and force mains that are in Village rights-of-way and on Village property. Maintenance of sanitary sewer service lines from the Village-owned system to the property owner’s structure is the responsibility of the property owner.
- (c) The Village expends significant resources, through a preventive maintenance program, to keep the sanitary sewer system in a good state of repair. Occasionally, however, conditions develop beyond the Village’s control that may cause sewage to back up into a residence or business.
- (d) The intent of this Policy is for the Village to reimburse property owner(s), up to the limit(s) established in this Policy, for clean-up costs and repairs to buildings and personal property for damages resulting from a Village sanitary sewer backup irrespective of whether the Village is legally responsible for those damages under the controlling provisions of law.
- (e) For the purpose of this Policy, the term “sanitary sewer backup” means any backup of sewage from the Village owned and maintained sanitary sewer or sewer force main system.

SECTION 1.02 Purpose

- (a) This Policy is intended to:
 - (1) Reduce health hazards by encouraging property owners who have experienced a sanitary sewer backup to get it appropriately cleaned up as quickly as possible.

- (2) Provide a method for assisting homeowners with the financial burden of a sanitary sewer backup even when the Village is not legally responsible for the resulting damage.
 - (3) Educate the public as to the Village's legal responsibility and the responsibility and options of property owners to protect their property from sanitary sewer backup.
 - (4) Reduce the likelihood of disputes and litigation over the Village's liability for a sanitary sewer backup.
- (b) The Village Board or its designee shall be the sole and exclusive judge of the validity and eligibility of requests for reimbursement submitted under this Policy.

SECTION 1.03 Policy

- (a) **Reimbursement Limits.** The Village may reimburse property owners up to \$7,500 of cleanup costs and property damage caused by a sanitary sewer backup on the terms and conditions described by this Policy.
- (1) The Village ~~may will~~ reimburse up to a total aggregate amount of \$45,000 for all sanitary sewer backups occurring in a calendar year. Reimbursement requests ~~may will~~ be processed in the order they are received. The Village recognizes that this may mean the funds available for reimbursements for sanitary sewer backups occurring in a calendar year may be exhausted. In the event the Village is aware of a sanitary sewer backup likely to give rise to multiple reimbursement requests under this Policy, the Village may choose pay those reimbursement requests pro-rata rather than in the order they are received.
 - (2) Reimbursement for loss or damage of personal property is limited to \$1,000. This \$1,000 personal property reimbursement is included in and not in addition to the total \$7,500 reimbursement limit for all cleaning costs and property damage.
 - (3) Damage or loss to personal property and possessions is reimbursable up to fifty percent (50%) of replacement cost, as determined by the Village.
 - (4) Only customers of the Village's sanitary sewer system are eligible for reimbursement under this Policy. Reimbursements under this Policy may not be assigned.

- (5) Except as provided in Section 1.03(g) below, a property owner may only file a single request for reimbursement for a sanitary sewer backup.
- (b) **Timeliness and Method of Seeking Reimbursement.** All requests for reimbursement under this Policy must be submitted to the Village Clerk within one hundred twenty (120) days after the incident is discovered ~~occurs~~ on the Request for Reimbursement form provided by the Village.
- (c) **Review of Reimbursement Requests.** The Village may investigate reimbursement requests in whatever means it deems appropriate, including but not limited to, referring the request to the Village's insurance adjuster for investigation, recommendation, and a compensability determination. Should the Village determine that the reimbursement request is a claim for which the Village may have insurance coverage, the property owner agrees to work with the Village to submit any paperwork or claim reasonably necessary for the Village's insurer to make a coverage determination.
- (d) **Reimbursement Request Denials.** The following may result in a full or partial denial of a reimbursement request as determined by the Village:
- (1) The reimbursement request is not timely submitted;
 - (2) The loss or damage is fully covered by the property owner's private insurance;
 - (3) The property owner is ineligible under the terms of this Policy;
 - (4) The loss or damage was caused by an irresponsible act of the property owner or the property owner's employee, invitee, agent, or member of the property owner's household;
 - (5) The amount of damage is not properly documented or substantiated or the verification of the damages or loss is inadequate or incomplete;
 - (6) The property owner did not cause the problem but failed to act responsibly to minimize the loss;
 - ~~(7) Sewer bills are not current for the property;~~
 - (8) The property owner is indebted to the Village (any payment by the Village will be reduced by outstanding amounts owed); and
 - (9) Any other conditions or criteria determined as appropriate by the Village.

- (e) **Ineligible Sanitary Sewer Backups.** The following sanitary sewer backups or costs are not eligible for reimbursement:
- (1) Any costs from a sanitary sewer backup which have been or are eligible to be covered under the property owner's homeowners or other property insurance;
 - (2) A sanitary sewer backup that resulted from a condition in a private line and not a condition in the Village's public sanitary sewer system or lines;
 - (3) A sanitary sewer backup that occurred prior to the adoption of this policy; before July 1, 2017;
 - (4) A sanitary sewer backup caused by catastrophic weather or other event for which Federal Emergency Management Assistance is available;
 - (5) Any alleged damages for personal injury;
 - (6) This Policy does not cover damages caused by stormwater backups, incidents consisting of overland flooding, or backups caused in areas that are the responsibility of the property owner. Damages caused by the potable water system within a building, including overflows of sinks, toilets, tubs, showers, washing machines or broken water tanks and pipes are not covered by this Policy.
 - (7) This Policy does not provide reimbursement for private insurance premiums or deductibles.
 - (8) Notwithstanding any other provisions of this Policy, no reimbursement shall be made under this Policy to the United States or any of its departments or agencies, the state or any political subdivision, the School District of McFarland, or any other taxing district.
- (f) **Backflow Prevention.** A property owner receiving reimbursement under this Policy ~~shall may~~ be required to install a sanitary sewer backflow prevention device. The cost of the device and its installation shall be the responsibility of the Homeowner and inspected upon completion by the Village as appropriate. is eligible for reimbursement under this Policy within the reimbursement limits established under Section 1.03(a).
- (g) **Tenant and Property Owner Reimbursement Requests.** Reimbursement requests from a tenant and property owner that were affected by the same backup ~~may will~~ be received separately, but will jointly be restricted to the \$7,500 limit

including no more than \$1,000 for personal property and possessions. The Village will determine a fair and equitable way of allocating the funds.

SECTION 1.04 Payment Does Not Imply Liability

- (a) Any payment made under this Policy shall not be construed as an admission of nor does it imply any negligence or responsibility on the part of the Village for such damage. Any payment made under this Policy is strictly voluntary on the part of the Village.
- (b) Any payment made under this Policy and accepted shall constitute a full and complete release of any and all reimbursement requests against the Village, its officers, employees and agents arising from the incident. No payments shall be made unless the appropriate parties sign a release, approved by the Village Attorney, of all reimbursement requests against the Village.
- (c) A copy of the proposed release is included as Appendix A of this Policy.

SECTION 1.05 Educational Components

- (a) Information may also be provided to customers of the utility through general education brochures, and/or in flyers for customers who have suffered back-flow problems. Among other facts of interest, these brochures should explain:
 - (1) What may cause sewer backup problems;
 - (2) How to help prevent sewer backup incidents by avoiding the deposit of grease or bulky non-soluble items down household drains or toilets;
 - (3) The value of back-flow preventers for below-ground building levels and drains, and techniques for periodically inspecting them;
 - (4) how and where to report a sewer backup problem; and/or
 - (5) How to purchase sewer backup endorsements through an insurance agent.
- (b) Information may be conveyed on an undefined basis through the Village newsletter, social media accounts, fliers, media outlets, and other avenues designed to spread this message.

RELEASE OF ALL CLAIMS

_____, of _____, McFarland, Wisconsin, being the owner(s) of _____ that sustained damage(s) from a sanitary sewer backup in the Village of McFarland, Wisconsin; on _____, 20____, hereby states that:

In consideration of the payment of \$_____, hereby releases the Village of McFarland and _____ with respect to any and all claims, demands, suits, matters of obligation, liabilities or causes of action of any kind whatsoever, whether at law or in equity, arising out of the said _____, 20__ sanitary sewer damage.

The payment of this sum shall not be construed as an admission of liability of fault by the Village of McFarland or _____ and any and all liability is expressly hereby denied.

The undersigned represents and agrees that no promise, inducement or agreement other than as expressed herein has been made to [him/her/them] and that this release contains the entire agreement [he/she/we] [have/has] with the Village of McFarland and _____.

_____ also represents and agrees that [he/she/they] [has/have] read and fully understands the terms of this release and is entering into this release voluntarily, free of any duress or coercion.

IN WITNESS WHEREOF, the undersigned has executed this release on the ____ of _____, 201__.



VILLAGE BOARD SUMMARY SHEET

MEETING DATE: Tuesday, March 12, 2019

SECTION: Business

DEPARTMENT: Public Works

CONTACT:

AGENDA ITEM: Directors Report

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

ATTACHMENTS:

1. Feb 2019 directors report

PUBLIC WORKS COMMITTEE

March 12, 2019

PUBLIC UTILITIES COMMITTEE

March 12, 2019

PARKS, RECREATION & NATURAL RESOURCES COMMITTEE

March 14, 2019

**Public Works Directors Report
for
February 2019**

The following is information concerning events and activities of the Public Works Department along with the Water and Sewer Utilities for the previous month. This information is provided in brief to provide an overview of the highlights.

Plowing Operations

Staff from the PW Dept. handled several storms in the month. Some of the bigger ones included:

Feb 6-7 approx. ¼ inch of ice

Feb 11-12 7.5-inch storm

Feb 17 -18 approx. 6 inches

Feb 20 approx. 5 inches

Feb 23-24 Ice and approx. 6-8 inches snow

Staff handled other small events too.

Storm Sewer Catch Basins

Storm water drains in the streets were opened up due another round of warm and wet weather to avoid possible street flooding.

Clearing of Fire Hydrants

Several but not all hydrants were opened up to help access in the need of use.

Orchard Park

No work has taken place this month, due the weather and other jobs.

Meter Change Outs

Water meters continue to be changed out. This has slowed somewhat due to the snow and in some cases, appointments were cancelled due to the snow.

Water main Breaks

The department experience a water main break on Paulson Road on Feb 12. An outside contractor repaired this on 2/13.

Another water main break happened on Triangle Street on February 21. This too was repaired by an outside contractor, with our assistance.

Capital Purchases

The pick up truck for the 2019 Capital purchases has been made.

Meetings/Training/Seminars

Kelln and Venturino attended the AWWA WI Section entitled 2019 Distribution Seminar.

Administrator Schuenke, Chief Dennis and Director Hessling met with representatives of FEMA in regards to last summers flooding on February 7.

Hessling participated monthly APWA board meeting.