

**SEWER UTILITY**

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**9.01 GENERAL.**

(1) The Village has determined that it is in the best interest of the community to provide public sewer to higher density and newly developing areas within the Village sanitary sewer service area. When considering the installation of municipal wastewater into existing developed areas, the Village Board shall order the installation and assessment against adjacent property owners only if one (1) or more of the following criteria apply:

- (a) There is a need to feed a larger area of a major development;
- (b) On a needs-only basis (i.e., failing onsite systems);
- (c) When fifty-one percent (51%) of the residents of that area want public utilities; or
- (d) There is a regulatory requirement.

The Village, in cooperation with the Green Bay Metropolitan Sewerage District, has also provided facilities for collection, transmission, and treatment of sewage to promote the health, safety, and convenience of its people and to safeguard the water resources common to all.

(2) The Board has determined that it is the obligation of the sewer users and producers of domestic and industrial wastes to defray the cost incurred in the collection,

transmission, and treatment of sewerage wastes in an equitable manner, and insofar as it is practicable, in proportion to the cost of providing such services to respective users.

(3) Proper protection and operation of the municipal sewerage collection and treatment facilities may require either the exclusion, pretreatment, or controlled discharge, at point of origin, of certain types or quantities of domestic and industrial wastes.

**9.02 INTENT AND PURPOSE.**

(1) Establish rules regulating connections to the Village Sewerage System.

(2) Establish rules limiting or prohibiting the discharge of wastewater by users into the Village Sewerage System which may cause or actually causes any of the following:

- (a) Injury to Village employees or any person.
- (b) Interference with the normal operation of the Village Sewerage System or any part thereof.
- (c) Unreasonable maintenance, attention, and expense to Village.

(3) Identify the procedures used by the Village in billing.

(4) Properly identify, monitor, and bill all users in compliance with applicable state and federal laws, guidelines.

(5) Provide penalties for the violations of these rules including violations of any orders, permits, or notices issued pursuant to them.

**9.03 ADMINISTRATION.** Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this chapter.

**9.04 DEFINITION.**

(1) **Commercial User.** Any user whose premises are used primarily for the conduct of a profit oriented enterprise and who primarily discharges normal domestic wastewater. This definition shall also include multi-family residences having three (3) or more units served by a single service.

(2) **Department.** Department of Public Works and Utilities.

(3) **Director.** The Director of Public Works or his or her designee.

(4) **District.** The Village sewer service area.

(5) **GBMSD.** Green Bay Metropolitan Sewerage District.

(6) **Industrial User.** A user discharging more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as amended and supplemented.

(7) **Industrial Waste.** Any solid or liquid substance discharged, permitted to flow, or escaping from any industrial manufacturing, commercial, or business establishment or process or from the development, recovery, or processing of any natural resources.

(8) **Monitored Users.** Monitored users shall consist of those users determined by the Director to be producers of sewage that is, in the Director's judgment, abnormal sewage and requiring monitoring.

(9) **Non-Monitored Users.** Non-monitored users shall consist of those users determined by the Director to be dischargers of normal strength sewage.

(10) **Normal Sewage.** Domestic and industrial wastes in which the daily average concentrations for BOD, suspended solids, phosphorous, and TKN are not more than the daily average concentrations established by resolution by the GBMSD.

(11) **Operation and Maintenance Costs.** All costs associated with the operation and maintenance of the sewerage system, including administration and replacement costs.

(12) **Person.** Any person, natural or artificial, including any individual, firm, company, municipality, private corporation, association, society, institution, enterprise, governmental agency, or other entity discharging sewerage to the municipal system.

(13) **Public Sewer.** A sewer provided by or subject to the jurisdiction of the Village or GBMSD.

(14) **Replacement Costs.** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the sewerage system to maintain the capacity and performance for which such systems were designed and constructed. Operation and maintenance costs include replacement costs.

(15) **REU.** Residential Equivalent Unit. As defined in the 2004 Utility Rate study, an REU is a residential living space required to house one (1) family regardless of size.

(16) **Residential User.** A user discharging domestic wastes from a single family dwelling or duplex.

**(17) Sanitary Sewer.** A sewer that conveys sewage and into which storm, surface, and ground waters or unpolluted industrial wastes are not admitted intentionally.

**(18) Sewer Service Area.** The area designated by Brown County Regional Planning as being appropriate for sanitary sewer development.

**(19) Sewage.** Domestic and industrial wastes.

**(20) Sewer Service Charge.** A charge levied on users of the sewerage system for the user's proportional share of the cost of operation, maintenance, debt service, and replacement of said system.

**(21) Sewerage System and Sewer System.** Interchangeable and shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

**(22) Village.** The Village of Suamico.

## **9.05 WASTEWATER RULES AND REGULATIONS.**

### **(1) General.**

*(a) GBMSD Regulations.* Sewer Use Ordinance 78-1, as established or amended by the GBMSD relating to the regulation of sewage discharges is hereby adopted and made a part hereof as though fully set forth herein. Sewage discharge regulations received from the GBMSD shall be kept on file in the office of the Clerk and the office of the Director.

*(b) State and Federal Regulations.* In addition to complying with this article, users shall comply with all applicable pretreatment standards and requirements established by the U.S. Environmental Protection Agency and the Department of Natural Resources that supplement or supersede this article.

*(c) Lateral Hook Up.* All persons connecting to the municipal sewerage system must first receive a connection permit from the department. A department

representative shall be onsite to observe all connections to the municipal system.

*(d) Submission of Plans.* Plans, specifications, and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval to the Engineer and the Director prior to the start of construction.

*(e) Compliance Monitoring.* The Director shall have the right to enter the premises of any user to determine whether the user is complying with all the requirements of this article and any waste water discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination, and copying and the performance of any additional duties.

*(f) Clear Water Discharges Prohibited.* The discharge of clear water from sump pumps, storm drains or other sources into the Village Sewer System is strictly prohibited.

*(g) Mandatory Hook-up.* The owner of each parcel of land adjacent to a sanitary sewer main on which there exists a building usable for human habitation shall connect to the system within six (6) months of notice in writing from the Village.

*(h)* In areas where water meters are absent due to the lack of water service but sewer service is available, the quarterly charge for unmetered sewer customers shall be billed to developed lots beginning ninety (90) days after inspection of the sewer lateral installation or upon occupancy permit, whichever is first.

### **(2) Control and Measurement of Admissible Industrial Wastes.**

*(a) System Connection and Submission of Basic Data.*

1. Persons discharging abnormal sewage to a public sewer shall prepare and file with the Director, a report that shall include pertinent data relating to the quantity and

characteristics of their wastes in accordance with Wisconsin DNR Permit No. WI-0020-001, Part II, Section D-Paragraph 7, within ninety (90) days after being so notified by the Director.

2. Similarly, each person desiring to make a new connection to the public sewers for the purpose of discharging industrial wastes shall prepare and file with the Director, a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged in accordance with Permit No. WI-0020-001. A building permit shall not be issued until such report has been submitted and approved by the Director.

*(b) Control Manholes.*

1. All monitored users, when directed by the Director, shall construct and maintain needed control manholes to facilitate observations, measurement, and sampling of the wastes. Control manholes shall be located and built in a manner approved by the Director. If measuring devices are to be permanently installed, they shall be of a type approved by the Director.

2. Control manholes and related equipment shall be installed at the expense of the person discharging the waste, and shall be maintained by said person in safe condition, accessible, and in proper operating condition at all times.

**(3) Metering of Waste.**

*(a)* Devices for metering the volume of waste discharged may be required by the Director if those volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Director.

*(b)* If installed metering devices malfunction or if metering devices are impractical, the person shall provide the

department with documented and certified material as required by the Director so that the Village can accurately determine the volume of waste discharged for billing purposes. Devices shall be calibrated yearly or as required. The calibration shall be made by a testing laboratory approved by the Director. The Village reserves the right to have the devices calibrated and the cost of such calibration billed to the person.

**(4) Compliance.** Within ninety (90) days after receiving notice from the Director, each person who discharges industrial wastes into a public sewer shall have complied with this section.

**(5) Extension of Time.** When it can be demonstrated that circumstances exist which could create an unreasonable burden on the person to comply with the time schedule imposed, a request for an extension may be presented to the Director who may grant an extension.

**(6) Waste Sampling.** Industrial wastes discharged into the public sewers shall be subject to periodic sampling and testing to determine character and concentration. All sampling and testing cost is to be at the expense of the person. The determination shall be made as often as deemed necessary by the Director. If any testing by the Village shall show a changed degree of pollutional load in the sewage or waste discharged, such new test results shall be used in computing the subsequent billings, but no reduction shall be made unless at least a full day of operation of the person's plant has undergone the test. Any person may request the Village to make new tests; such tests to be of a minimum of twenty-four (24) hours duration. Such test shall be made when the plant is operating under normal conditions, and the burden shall be on the person requesting the testing to establish that such normal conditions prevail. Upon a determination by the Director that such test was made when the plant was operating

under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously prescribed.

**(7) Analysis.** Laboratory test procedures used in the examination of industrial wastes shall be those set forth in Ch. NR 219, Wis. Adm. Code, and shall be made by the Village at the cost of the person.

**(8) Pre-Treatment.** Where required or when, in the opinion of the Director, constituents that are harmful to the sewer system, processes, or operation of the pollution control works are present in the wastes discharged to the sewer system, the person shall provide, at his or her expense, such preliminary treatment or processing facilities as may be necessary to render the wastes acceptable for admission to the public sewers. When a determination is made by the Director, the Director shall forthwith notify the person required to provide such preliminary treatment stating the specific reasons that such determination has been made.

## **9.06 SEWER SERVICE CHARGE SYSTEM.**

**(1) Policy.** It shall be the policy of the Village to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage system, including debt service and replacement costs, 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 fair and proportionate share of the cost of such facilities.

**(2) Sewer Service Charges Generally.** The Village shall annually or from time to time as the Board deems necessary, determine the cost of operating and maintaining the Village's public sewer system. A service charge shall be the sum of the Village's cost of operation and

maintenance of the collection system and the treatment charge from GBMSD. The sewer service charge shall consist of a volume charge, or quantity charge, which represents treatment and transportation of waste water and a customer charge which includes the cost of infiltration/inflow and billing preparation. These costs shall be charged proportionally to all users of the sewer system. There shall also be a fixed charge for the reduction of debt related to the installation of the interceptor construction needed for the GBMSD hook-up.

*(a) Sewer Service Charge.* A sewer service charge is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection to the public sewer system. The sewer service rates will be included in each year's fee schedule. The Board shall have the authority to amend such charges by resolution from time to time as may be deemed necessary.

1. All charges for sewerage service shall be made quarterly and shall be payable on the first day of January, April, July and October in each year. An eighteen percent (18%) APR penalty will be added to those bills not paid on or before the twentieth (20<sup>th</sup>) day after the due date of the bill with a minimum penalty charge of fifty cents (\$0.50) applied to the bills. Failure to receive a bill shall not excuse non-payment. Delinquent charges shall be collected in accordance with Wis. Stats. §66.0821(4)(d).

2. Third (3<sup>rd</sup>) quarter charges for residential metered customers will be based upon the average of the previous three (3) quarters of usage. Where a customer of the utility has no history or an incomplete history for the previous three (3) quarters, a charge equal to the unmetered quarterly sewer use charge as defined above will be applied if the usage for the third (3<sup>rd</sup>) quarter will exceed forty-four dollars (\$44).

3. Any excess revenues collected from a user class will be applied to that class for the following year.

**(3) Penalties for Late Payment of Sewer Service Charges.**

(a) *Delinquency.* Bills for sewer service charges levied and assessed in accordance with this chapter and resolutions adopted pursuant hereto and the rules and regulations of the Suamico Sewer and Water Utility shall become due and payable within twenty (20) days after the date of billing.

(b) *Legal Basis.* Each sewer service charge levied by or pursuant to this section shall constitute a lien upon the corresponding premises serviced by the sewer system as provided for in Wis. Stats. §66.0821 and the Clerk shall record such lien in accordance with applicable statutes.

(c) *Ownership and Occupancy.* Change of ownership or occupancy of premises under provisions of this section shall not be cause for reducing or eliminating charges due and penalties.

**9.07 SEWER SERVICE AREA/DEVELOPMENT COSTS.**

(1) There shall be one (1) sewer district, known as the Suamico Sewer Service Area. A map of the area which may be amended from time to time is available at the Clerk's office.

(a) Amendments as adopted are on file in the office of the Clerk.

(2) All sanitary sewers within the district, including street and alley intersections and manholes, shall be paid for by a developer initiating the project or through special assessments on the basis of benefits and damages except the following, which shall be paid for out of the General Sanitary District Fund:

(a) The cleaning, repairing, and replacement of any public sewer mains, and manholes in connection therewith.

(b) The cleaning, repairing, and replacement, including relocation and substitution, of any sanitary sewer lateral located within street and alley boundaries.

**9.08 INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin statutes, Wis. Adm. Code or Green Bay Metropolitan Sewer District. Where any terms or requirements of this chapter may be inconsistent or conflicting, the state statute, administrative code provision or Green Bay Metropolitan Sewer District ordinance shall apply. Where a provision of this section is required by Wisconsin statutes, Wis. Adm. Code, or by a standard in Green Bay Metropolitan Sewer District Sewer Use Ordinance and where this section provision is unclear, the provision shall be interpreted in light of the Wisconsin statutes, Wis. Adm. Code and Green Bay Metropolitan Sewer District Sewer Use Ordinance in effect on the date of the adoption of this section, or in effect on the date of the most recent text amendment to this chapter.

**9.99 VIOLATIONS AND ENFORCEMENT.**

(1) **Violations.** Any person violating any of the provisions of this section or tampering with metering or sampling shall be liable to the Village for any expense, loss, or damage occasioned by such violation and upon conviction of any violation of this section shall be subject to a forfeiture of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500) per violation plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this section shall constitute a new violation and be subject to further citations.

**(2) Appeal Procedures.** Any user affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this chapter may file with the Director a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Director shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. The person requesting reconsideration may, within ten (10) days after notification on the action, file a written appeal with the Board in accordance with Wis. Stats. Ch. 68.

Village of Suamico

*Chapter 9*

*Ordinance 2009-04 Adjusting the Sewer Utility Rates for 2009*

*Adopted 3-16-09*

*Ordinance 2009-12 Amending Section 9.05 (1) (g)*

*Adopted 5-18-09*

*Ordinance 2011-03 Amending Chapter 9 Sewer Utility*

*Adopted 3-21-11*

*Ordinance 2014-06 Adjusting the Sewer Service Utility Charges*

*Adopted 3-17-14*

*Ordinance 2015-03 Amending Chapter 9 Regarding Payment of Sewer Utility Fees*

*Adopted 4-6-15*