

STATE OF WISCONSIN

WAUKESHA COUNTY

TOWN OF DELAFIELD

ORDINANCE NO. 2006-002

AN ORDINANCE CREATING SECTION 8.18
OF THE TOWN OF DELAFIELD CODE OF ORDINANCES
ESTABLISHING SANITARY SEWER REGULATIONS

THE TOWN BOARD OF THE TOWN OF DELAFIELD DO ORDAIN AS FOLLOWS:

SECTION 1: Section 8.18 of the Town of Delafield Code is hereby created to read as follows:

8.18 SANITARY SEWER REGULATIONS, FOXWOOD ESTATES SUBDIVISION.

- (1) **Applicability.** The provisions of this Ordinance shall apply to all residential property located within the Foxwood Estates Subdivision within the Town.
- (2) **Delafield-Hartland Water Pollution Control Commission Rules Adopted.** The rules and regulations of the Delafield-Hartland Water Pollution Control Commission, as amended from time-to-time, are hereby adopted by reference and made a part of this Code. If a conflict exists between the provisions of this Code and the rules and regulations of the Delafield-Hartland Water Pollution Control Commission, the stricter provision shall control. Violations of the Delafield-Hartland Water Pollution Control Commission rules or regulations shall constitute a violation of this Code.
- (3) **Sewerage and Wastewater Regulations.**
 - (a) *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this section shall be as follows:
 1. *BOD (denoting biochemical oxygen demand).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter.
 2. *Building drain.* That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other *drainage* pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
 3. *Building inspector.* The building inspector of the Town or his/her appointed assistant, agent or representative.
 4. *Building sewer.* The extension from the building drain to the public sewer or other place of disposal.
 5. *Commission.* The Delafield-Hartland Water Pollution Control Commission.
 6. *Community-based residential facilities (CBRF).* A place where three or more unrelated adults reside and in which care, treatment or services above the level of room and board are provided as a primary function of the premises. A community-based residential facility does not include any of the following:
 - i. A facility owned or operated by a religious order exclusively

- for care of members of that order.
- ii. A facility providing care, treatment and services only for victims of domestic abuse.
 - iii. A shelter as defined in Wis. Stat. § 16.352(1)(d).
 - iv. A lodging place not providing health care or personal care.
7. *Condominium*. A residential unit constituting a part of a devisable real estate parcel where only the structures are devisable, and the real estate itself remains one parcel, but each separate unit is subject to certain joint agreements and regulations where ownership includes an undivided interest in common facilities. Each unit shall be a separate condominium under this section.
 8. *Connection*. Anyone who has paid for a connection to the municipal sewer system and has a sewer lateral (even to a vacant lot) is considered to have connected for purposes of this ordinance, and has reserve capacity for that use.
 9. *Connection charge, Del-Hart*. A charge paid for a new user connection or an existing user requiring additional capacity in the treatment facility. Connection charges are required as a contribution to aid-in-construction funding and are based upon a user's potential estimated average daily flow as calculated by the Town. Connection charges are established in this ordinance pursuant to Wis. Stats. § 66.076(4) and (5). Additional connection charges will be assigned to nonresidential users when their flow increases by 1.00 DUE or more over an average 12-month period (January--December).
 10. *Connection charge, town*. A one-time sewer connection or hookup charge, which is the property owner's contribution in aid of construction and for any other purpose set forth in Wis. Stats. § 66.076(4) as from time to time shall be determined by the town board.
 11. *Debt service*. Costs for the retirement of debts incurred in the provision of wastewater facilities including both principal and interest.
 12. *Director or director of public works*. The director of the department of public works.
 13. *Domestic user equivalent (DUE)*. The wastewater flow equivalent to that contributed by an average residential user. One DUE shall equal 275 gallons per day which equals 100,000 gallons per year. Any single-family residence within the service region shall be treated as one (1) DUE regardless of the metered or estimated wastewater or originating from such single-family residence. The minimum value for any user shall be 1.0 DUE.
 14. *Floatable oil*. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

15. *Flow*. A combination of the water-carried waste discharged into the collection system together with such groundwater, surface water and storm water as may be present. The term "flow," as used in this section, encompasses strength as defined in this section.
16. *Garbage*. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sales of meat, fish, fowl, fruits, vegetables and condemned food.
17. *Garbage, properly shredded*. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half of an inch (1.27 centimeters) in any dimension.
18. *Industrial wastes*. Discharges from any industrial user as defined herein.
19. *Institutional user*. An establishment owned or operated by an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable or other eleemosynary purposes or a governmental organization.
20. *Manager or general manager*. The general manager for the Delafield-Hartland Water Pollution Control Commission's wastewater facilities, or such person's agent or representative.
21. *May* is permissive. *Shall* is mandatory.
22. *Municipality*. Any city, town, village, county, county utility district, town sanitary district, public inland lake rehabilitation district or metropolitan sewage district.
23. *Natural outlet*. Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
24. *Normal concentration*.
 - i. Five-day 20 degrees Celsius, BOD or not more than 200 mg/l.
 - ii. A suspended solids content of not more than 250 mg/l.
25. *Normal wastewater*. Wastewater in which BOD or suspended solids concentrations do not exceed normal concentrations.
26. *Operation and maintenance (O & M)*. Costs for the provision of labor, utilities, supplies, equipment maintenance and other normal costs necessary for the provision of sewage service. Operation and maintenance includes replacement.
27. *Person*. Any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
28. *pH*. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by Standard Methods.
29. *Properly shredded garbage*. See *Garbage, properly shredded*.

30. *Public sewer.* A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
31. *Public user.* Any user which is a municipality as defined herein.
32. *Replacement.* Expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed.
33. *Reserve capacity (treatment plant)* . The reserve in the interceptors or treatment facilities that shall be maintained for governmental, institutional, commercial and industrial users based upon their maximum domestic user equivalent that such user will require at such time as the facility or interceptor is at full life capacity. Such reserve capacity shall be maintained by the commission for the future use of the user who has reserved the capacity.
34. *Residential user.* Any user whose facilities are capable of providing persons with at least one bedroom for overnight stay. In determining whether a user is residential, the Town Building Inspector shall make a visual inspection and determine whether the facilities are capable of providing sleeping facilities. In determining the number of residential units in each facility, the Building Inspector shall place emphasis on access provided between rooms and especially bedrooms.
35. *Sanitary sewer.* A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm water, and surface water that are not admitted intentionally.
36. *Service area.* The area served by the Delafield-Hartland Water Pollution Control Commission. Also see *Sewer service area*.
37. *Sewage.* The spent water of a community. The preferred term is wastewater.
38. *Sewer.* A pipe or conduit for carrying wastewater.
39. *Sewer department or department.* The public works department.
40. *Sewer, public.* A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
41. *Sewer, sanitary.* See, *sanitary sewer*.
42. *Sewer, service area.* That area identified by the Southeastern Regional Planning Commission (SEWRPC) and adopted by the village as outlined in SEWRPC Report No. 93, as modified from time to time modified.
43. *Sewer, storm.* A sewer that carries storm water and surface water and drainage, but excludes wastewater and industrial wastes.
44. *Shall* is mandatory. *May* is permissive.
45. *Slug.* Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period longer than 15 minutes more than five times the average 24-hour

concentration or flows during normal operation, and which adversely affects the collection system and/or performance of the wastewater treatment works.

46. *Storm sewer. See Sewer, storm.*
47. *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 for the Examination of Water and Wastewater," and referred to as non-filterable residue.
48. *Town.* The Town of Delafield.
49. *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.
50. *User charge or wastewater service charge.* A charge levied on users of wastewater facilities for the cost of operation and maintenance of such facilities. The user charge may also include debt service and other costs related to wastewater facilities and charges.
51. *User, commercial.* Any nonresidential or nonpublic user not falling under the definition of *Industrial user*.
52. *User, industrial. See Industrial user.*
53. *User, public.* Any user that is a municipality as defined herein.
54. *Village.* The Village of Hartland, Wisconsin.
55. *Wastewater.* The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
56. *Wastewater facilities.* The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
57. *Wastewater, normal.* Wastewater in which BOD or suspended solids concentrations do not exceed normal concentrations.
58. *Wastewater treatment works.* An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."
59. *Water, unpolluted.* 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.
60. *Water meter.* Any device approved by the Town that will accurately reflect in gallons the inflow of water from the source of the water into the buildings (governmental, institutional, commercial or industrial

establishment). Water meters shall be installed and operated at all times and comply with C700-77 AWWA standard for cold water meters. Water meters shall be owned and serviced by the Town.

61. *Watercourse.* A natural or artificial channel for the passage of water either continuously or intermittently.

62. *Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.* A document issued by the Wisconsin Department of Natural Resources that establishes effluent limitations and monitoring requirements for the regional wastewater treatment facility. WPDES Permit and modifications thereof pertain to the commission wastewater treatment facility.

(b) *Use of public sewers.*

1. *Required.* No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any other area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

2. *Illegal discharge.* No person shall discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

3. *Privy vaults, cesspools, etc., prohibited.* No person shall construct or maintain within the Town any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage where sanitary sewer service is available to service the subject property.

4. *Connection required.* The owners of all houses, buildings or properties used for residential occupancy within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, shall, at their expense install suitable toilet facilities therein and connect such facilities directly to such public sewer in accordance with the provisions of this section, within one year after date of official notice to do so, unless otherwise exempt.

5. *Commercial and Industrial users prohibited.* No commercial or industrial user shall connect or maintain any connection to the municipal sewer system serving the Town.

6. *Exemptions.* Property with privy or privy vaults on the effective date of this section shall be exempt from the requirement of paragraph (d), provided the Waukesha County Department of Public Health certifies to the Town that such privy or privy vault is not polluting groundwater or otherwise creating a health hazard. Upon receipt of a report of inspection and such certification, the Town Board, shall within 30 days, determine if connection to the public sewer shall be required. The determination of the Town Board shall be in writing and served personally or by certified mail on the owner of the property involved.

If the Town Board exempts the premises from the requirement of paragraph (d), there shall be an annual inspection and report by the Waukesha County Health Department, and a certification that no health hazard exists shall be required to maintain the exempt status. If the subject premises is transferred or a building permit is issued for improvements in excess of \$2,000.00, or the owner is required to obtain a plumbing permit from the plumbing inspector for any reason, the transferee or owner shall be required to comply with paragraph (d) within one year of the date of transfer or issuance of a building permit.

7. *Connection charges.* Connection charges shall be as set forth in this Ordinance.
8. *Connections to be made by licensed plumber.* All connections shall be made by a licensed plumber pursuant to the State plumbing code.

(c) *Building sewers and connections.*

1. *No unauthorized connections.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit(s) from all governmental authorities having authority over said sewer.
2. *Classes of permits.* Only residential class building sewer (plumbing) permits shall be issued in the Town. The owner or the owner's agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information reasonably required by the Town or the manager. A permit and inspection fee as established by resolution of the Town Board from time-to-time shall be paid at the time the application is filed.
3. *Costs and expenses.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town and the commission from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. *A separate and independent building sewer.* A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy, in accordance with State requirements.
5. *Existing building sewers.* Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the building inspector to meet all requirements of this section.
6. *Construction requirements.* The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and

plumbing code or other applicable governmental rules and regulations.

7. *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner's expense.
8. *Clear water drains.* Roof leaders, swimming pool drains, surface drains, groundwater drains, foundation footing drains and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer that discharges into a sanitary sewer or private wastewater treatment plant. All such connections existing at the time of passage of this section shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Building Inspector shall give the property owner 15 days' notice to disconnect. Failure to disconnect after such notice shall authorize the Town to cause disconnection and assessment of the costs of such disconnection against the property involved. The Town may, in the alternative, institute action for violation of this subsection.
9. *Connection to public sewer.* The connection of any building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable governmental rules and regulations, including license bond and street opening permits.
10. *Inspection.* The applicant for a building sewer permit shall notify the Town's building inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the building inspector or his or her representative.
11. *Excavations to be guarded.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

(d) *Use of the public sewers.*

1. *Restricted.* No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool water or unpolluted industrial process waters to any sanitary sewer. No sanitary waste shall discharge to a storm sewer.
2. *Unpolluted drainage.* Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town and other regulatory agencies.

3. *Prohibited waters and wastes.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
 - i. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
 - ii. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
 - iii. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 - iv. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, etc., either whole or ground by garbage grinders.
4. *Discharges limited.* The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities that will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the commission's WPDES permit, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The manager may set limitations lower than any limitations established in the regulations below if in the manager's opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the manager will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewer, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the manager are as follows:
 - i. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

- ii. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
- iii. Wastewater from industrial, commercial, institutional and government users, containing oils, fat, grease, wax or any other similar substances that float or solidify in the wastewater facilities.
- iv. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- v. Any waters or wastes containing aluminum, cadmium, copper, lead, mercury, selenium, silver, chromium, zinc and similar objectionable or toxic substances in amounts exceeding limits established by any state or federal regulations.
- vi. Any waters or wastes containing odor producing substances.
- vii. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any state or federal regulations.
- viii. Quantities of flow, concentrations, or both, which constitute a slug as defined herein.
- ix. Waters or wastes containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- x. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
- xi. Incompatible pollutants in excess of the allocated limits as determined by village, state and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CRF 403.

5. *Determining limited discharges.* If any waters or wastes are discharged

or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section and, which in the judgment of the manager, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the manager may:

- i. Reject the wastes.
 - ii. Require pretreatment to an acceptable condition for discharge to the public sewers.
 - iii. Require control over the quantities and rates of discharge; and/or
 - iv. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer user charges under the provisions of this section. When considering the above alternatives, the manager shall give consideration to the economic impact of each alternative on the discharger. If the manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager.
6. *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the Village or Town engineer or the manager, they are necessary for the proper handling of liquid wastes containing floatable grease or other substances specified in this section, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the village and the manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the village and the manager. Any removal and hauling of the collected materials not performed by owners' personnel must be performed by currently licensed waste disposal firms.
7. *Maintenance and pretreatment facilities.* Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
8. *Building sewers carrying industrial waste.* No building in the Town producing industrial waste may be connected to any sanitary sewer.
9. *Information which may be required.* The Town or manager may require a user of sewer services to provide information needed to

determine compliance with this section. These requirements may include:

- i. Wastewater discharge peak rate and volume over a specified time period.
 - ii. Chemical analyses of wastewaters.
 - iii. Information on raw materials, processes and projects affecting wastewater volume and quality.
 - iv. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
 - v. A plot plan of sewers for the user's property showing sewer and pretreatment facility location.
 - vi. Details of wastewater pretreatment facilities.
 - vii. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
10. *"Standard Methods for the Examination of Water and Wastewater"* to be used. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and 40 CFR 136. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the manager.
11. *Accidental discharges.* The accidental discharge of any prohibited waste into any sewer shall be reported to the Town and the manager by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge, so that steps may be taken to minimize its effect on the treatment plant.
12. *New connections.* New connections to the sanitary sewer system in the Town shall be allowed only if there is available capacity under all existing inter-municipal agreements affecting service within the Town.
- (e) *Charges (wastewater service charge).*
1. *User charge.* Each user shall be charged for the operation and maintenance costs applicable to the particular user. Users shall periodically be billed for operation and maintenance and other charges in accordance with applicable provisions in the wastewater treatment service contract. The term "operation and maintenance" includes replacement. For new users, the user charges shall be applicable at the time final inspection of the sewer lateral is made by the village.
 2. *Establishment of wastewater service charge.* Each lot or parcel of land with a building having a lateral available to discharge normal sewage to the public sewer system shall have levied and assessed a wastewater service charge. Such charges shall be referenced to tax key numbers

and sent to property owners only. No sewer bills shall be sent to renters.

3. *DUE values.* A single-family residence will equal one DUE.
4. *Laterals.* It is the responsibility of the property owner to install and maintain the lateral from the main sewer to the structure. All costs are to be the responsibility of the owner.
5. *Sanitary sewer connection charges.* Sanitary sewer connection charges shall be based upon the DUE value for the property. Such connection charge shall apply to all connections to the municipal sewer system resulting from new construction or the change of an existing use whereby additional capacity shall be required from the treatment facility.

(4) PENALTIES.

- (a) *Forfeiture, Other relief.* Any person violating the provisions of this Ordinance shall upon conviction thereof be subject to penalties as provided in § 25.04 of this Code and shall be liable for any expense, loss or damage occasioned the Town, commission, or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream user or facilities damaged as a result of a prohibited discharge or any violation of this section. .
- (b) *Failure to pay service charges, Lien against property.* Each wastewater service charge levied by or pursuant to this section is hereby made a lien upon the corresponding lot, land or premises served by a connection to the sanitary sewer system and if the same is not paid within the period allotted for such payment, such charge shall constitute a lien on the property served and be inserted in the tax roll as provided in Wis. Stats. § 66.076(7).
- (c) *Late payment charge.* All charges under this Ordinance that are not paid within 20 days of billing date are subject to a late payment charge of 1-1/2 percent per month of the net billing per billing period or unpaid balance each billing period.
- (d) *Protection from damage.* No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (e) *Power and authority of inspectors.*
 1. *Inspection.* The director of public works or manager and other duly authorized employees of the Town, village or commission bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the sewer system in accordance with the provisions of this section.
 2. *Easement access.* The director or manager and other duly authorized employees of the Town, village or commission bearing proper

credentials and identification shall be permitted to enter all private properties through which the Town, village or commission holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 2: All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect and be in full force the day after its posting.

Passed and approved this 14 day of February 2006.

Town of Delafield

By: 

Paul Kanter, Town Chairman

ATTEST:



Mary Elsner, Town Clerk

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