

ORDINANCE NO. 2007-005AN ORDINANCE REPEALING AND RECREATING 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SECTION 1: Section 8.18 of the Town of Delafield Code is hereby repealed and recreated to read as follows:

8.18 SANITARY SEWER REGULATIONS, FOXWOOD ESTATES SUBDIVISION.

(1) INTRODUCTION AND GENERAL PROVISIONS

- (a) INTRODUCTION. This Ordinance regulates the use of public and private sewers and drains, connections to the public sewer system, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Foxwood Estates Subdivision within the Town of Delafield. It also provides for and explains the method used for levying and collecting wastewater treatment services charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the said Municipality to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the sewerage system.
- (b) GENERAL PROVISIONS.
- i. This Ordinance 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 Ordinance 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.
 - ii. This Ordinance shall supersede any previous Ordinances, Rules or Regulations of the Municipality relating to the subject matter hereof; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and the inter-municipal agreement between the Town and the Village of Hartland concerning the

provision of sanitary sewer service for the Foxwood Estates Subdivision, the terms of said agreement shall control.

- (c) LEGAL AUTHORITY. This Ordinance is enacted pursuant to the power and authority conferred by Section 66.0821, Stats., as amended from time to time.

(2) DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) APPROVING AUTHORITY of the Municipality shall mean its Town Board or its duly authorized committee, agent, or representative.
- (b) BUILDING DRAIN shall mean 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 or structure and conveys it to the Building Sewer.
- (c) BUILDING SEWER shall mean the pipe extension beginning at the outside of the inner face of the building wall, to a point of connection with the public sewer.
- (d) CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20EC 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.
- (e) COMPATIBLE POLLUTANTS shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl nitrogen, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (f) FLOATABLE OIL shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.
- (g) GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (h) GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will

be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

- (i) INCOMPATIBLE POLLUTANTS OR WASTEWATER shall mean wastewater or septage with pollutants of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.
- (j) INDUSTRIAL WASTE shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (k) MAY is permissible.
- (l) DEL-HART ORDINANCE shall mean the Sewer Use & User Charge Ordinance of the Delafield-Hartland Water Pollution Control Commission (herein the "Del-Hart Commission") effective February 27, 2007, and any amendments thereto or restatements thereof.
- (m) MUNICIPAL WASTEWATER shall mean the wastewater of a municipality, including that of the Municipality. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residential, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and storm water that may have inadvertently entered the sewerage system of the municipality.
- (n) MUNICIPALITY shall mean the Town of Delafield, a Wisconsin municipality.
- (o) NATURAL OUTLET shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (p) PARTS PER MILLION shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (q) PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.
- (r) pH shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

- (s) PUBLIC SEWER shall mean any sewer owned or provided by or subject to the jurisdiction of the Municipality, the Del-Hart Commission or any other municipality.
- (t) SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.
- (u) SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (v) SEPTAGE shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (w) SEWER SERVICE CHARGE is 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.
- (x) SEWER SYSTEM means the public sanitary sewers within a sewerage system. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "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 owned and maintained by the Municipality or the Village of Hartland. For example, a Building Sewer is not part of the sewer system.
- (y) SEWERAGE SYSTEM means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main, i.e., a Building Sewer.
- (z) "SHALL" is mandatory.
- (aa) SLUG LOAD shall mean any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (bb) STATS. shall mean the Wisconsin Statutes in effect from time to time.

- (cc) STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is in compliance with Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.
- (dd) STORM DRAIN (sometimes termed "STORM SEWER") shall mean drain or sewer for conveying surface water, groundwater, subsurface water other than polluted water from any source.
- (ee) STORM WATER RUNOFF shall mean that portion of the rainfall that is collected and drained into the storm sewers.
- (ff) SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that are removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.
- (gg) TOTAL KJELDAHL NITROGEN (TKN) shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.
- (hh) TOTAL PHOSPHOROUS (TP) shall mean the quantity of total phosphorous as determined in accordance with the Standard Methods.
- (ii) WASTEWATER FACILITIES shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (jj) WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes use is synonymous with waste treatment facilities.
- (kk) WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(3) MANAGEMENT, OPERATION, AND CONTROL

- (a) MANAGEMENT. The management, operation, and control of the sewer system for the Municipality is vested in the Town Board and the Village Board of the Village of Hartland pursuant to the inter-municipal agreement between the Village of Hartland and the Town of Delafield concerning sanitary sewer service for the Foxwood Estates Subdivision on file in the office of the Town Clerk.

- (b) 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 Municipality, except when they are damaged as a result of negligence or carelessness on the part of the Municipality. 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 relaid 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 4(f) hereof or as otherwise provided for herein.
- (c) TITLE TO REAL ESTATE AND PERSONAL PROPERTY. All property, real, personal, and mixed, including but not limited to easements, acquired for the construction of the Municipality's 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 of Hartland in accordance with the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision .
- (d) NO LIMITATION. Nothing contained in this Ordinance shall be construed as limiting the power and authority of the Municipality as provided for by applicable Wisconsin Statutes; and the Municipality shall have all rights and authority as provided for by law.

(4) ADMINISTRATIVE RULES AND REGULATIONS

The following rules, regulations and ordinances for the regulation of licensed plumbers, sewer users, property owners and others, are hereby adopted and established:

- (a) GENERAL PROVISIONS
- i. Agreement to Rules and Regulation. All persons now receiving sewerage service from the Municipality or who may hereafter make application for such service or who otherwise receive such service, shall be considered as having agreed to be bound by all of the terms and provisions of this Ordinance, as amended from time to time; and such agreement is a condition precedent to the provision of such sewerage service.

- ii. Application for Service. Every person desiring to connect property, buildings or structures to public sewers shall make application in writing to the Municipality on such forms as are prescribed for that purpose, prior to commencing use of such service. 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. Persons connected to the public sewers of the Municipality are referred to herein as "Users." By submitting such an application, all users are deemed to have agreed to be bound by this Ordinance, as amended from time to time. If it appears that the service applied for will not provide adequate service for the contemplated use, the Municipality may reject the application. If the Municipality 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.

- iii. Application Fee. Where the application for service is for a connection to the Municipality's public sewers, the application shall be accompanied by an Application Fee(s) in an amount to be determined from time to time by the Municipality. Such fee shall cover the cost of processing the application and inspection of the connection. Application Fees may vary in amount between residential users and commercial/industrial users. The payment of this fee shall be in addition to any Connection Fees that may be charged to or on account of new users by the Municipality, the Village of Hartland, or by the Del-Hart Commission.

- iv. Inspections. Any connection to the public sewers within the Municipality shall be subject to the prior inspection and approval of the work by an authorized representative of the Municipality and/or the Village of Hartland. No trench or other excavation shall be filled, or any connection completed, without such prior inspection. The applicant requesting the connection shall reimburse the Municipality for all inspection costs incurred, if not previously paid as part of the Application Fee.

- v. Disconnection and Refusal of Service. Sewer service may be disconnected or refused for any of the following reasons:
 - (1) Violation of this Ordinance, as amended from time to time;
 - (2) Violation of the Del-Hart Ordinance, as amended from time to time;
 - (3) Failure to pay the Application Fee, any Connection Fee or delinquent sewer service charges of the user.

(4) Violation of the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.

vi. Disconnection for Delinquent Accounts or Where a Dangerous Condition Exists. A bill for service is delinquent if unpaid after the due date shown on the bill. The Municipality 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 twenty days after issuance of the bill. The Municipality or the Village of Hartland may disconnect without notice where the Village Engineer, Town Engineer, or Del-Hart's Engineer reasonably determines in his or her opinion that that disconnection is necessary to avoid danger to persons or property due to a condition that exists on the property. The Municipality may thereafter deny reconnection of service for as long as the condition exists.

vii. Denial of Service Due to Non-Compliance or Dangerous or Unsafe Conditions. Service may be denied to any user for failure to comply with the applicable requirements of this Ordinance or if the Village Engineer, or the Village Engineer's designee, has reasonably determined that a dangerous or unsafe condition exists on the user's property.

(b) PLUMBERS. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Municipality in which the work is to be performed. All service connections to the sewer main shall comply with the State plumbing code, as amended.

(c) MANDATORY CONNECTIONS

i. Within that portion of the Foxwood Estates Subdivision receiving sanitary sewer service from the Village of Hartland, the owner of each parcel of land adjacent to a public sewer main on which there exists a building used or usable for human habitation or in a block through which such system is extended, shall connect to the sewer system within 365 days (one year) of notice in writing from the Municipality. Upon failure to do so, the Municipality may cause such connection to be made and bill the property owner for all such costs. If such costs are not paid within thirty (30) days, such cost shall constitute a special tax lien against the property, in the manner provided for by law. However, the owner may within thirty (30) days after the completion of the work file a written election with the Municipality stating that the owner cannot pay such amount in one sum and ask that the sum be levied in five (5) or less equal annual installments. The amount shall be so collected with interest at a rate not to exceed fifteen percent (15%) per

annum from the date of completion of the work, all as determined by the Municipality. The unpaid balance shall constitute a special tax lien, all pursuant to sec. 281.45, Stats., as amended.

- ii. This Ordinance ordains that, where sanitary sewer service is available within the Foxwood Estates Subdivision pursuant to inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision, any such failure to connect to such sewer system is contrary to the minimum health standards of the Municipality and fails to assure preservation of public health, welfare, comfort, and safety; and that such failure constitutes a public nuisance under sec. 823.02, Stats., as amended, subject to abatement as provided for therein.
- (d) BUILDING SEWER CONNECTION EXPENSE. Persons attaching to a public sewer shall have the Building Sewer, or lateral, installed at their own cost and expense.
 - (e) 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 Municipality.
 - (f) OBSTRUCTION OF BUILDING SEWERS IN PUBLIC RIGHT OF WAYS. 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 Village of Hartland 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 Municipality and/or the Village of Hartland 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.
 - (g) BACKFLOW PREVENTER. All floor drains shall have a backflow prevention valve installed at the owner's expense.
 - (h) USER USE ONLY. No user shall allow other persons or other services to connect to the sewer system through their lateral or Building Sewer.
 - (i) USER TO PERMIT INSPECTION. Every user shall permit the Municipality, the Village of Hartland, or its duly authorized agent, 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 Ordinance and sec. 196.171, Stats., to the extent applicable.

- (j) MUNICIPAL RESPONSIBILITY. It is expressly stipulated that no claim shall be made against the Municipality or its Board members,, agents, employees and representatives by reason of the breaking, clogging, stoppage, or freezing of any pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off sewer service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding.
- (k) EXCAVATIONS WITHIN PUBLIC RIGHT OF WAY. Any person excavating in the public right of way shall fully comply with all provisions of Section 8.02 of the Municipal Code.
- (l) TAPPING THE MAINS. Connections to the sewer system, other than Building Sewer connections, shall be done only in accordance with the Del-Hart Ordinance, as amended.
- (m) INSTALLATION OF BUILDING SEWERS. All Building Sewers on private property shall be installed in accordance with State of Wisconsin Administrative Code "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section ILHR 82.10, "Basic Plumbing Principles," as amended. As required therein, all laterals shall be inspected. The Building Sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.
- (n) APPLICATION OF DEL-HART ORDINANCE. Notwithstanding anything to the contrary contained herein, any connection to the public sewers shall be subject to the provisions of the Del-Hart Ordinance, as amended from time to time, to the extent applicable and to the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision. In the event of any conflict between the provisions of the Del-Hart Ordinance, the more restrictive provision shall control.
- (o) NEW CONNECTIONS. New connections to the Municipality's sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities of the Municipality and the Del-Hart Commission and such connection is permitted under the Town's inter-municipal agreement with the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.

(5) USE OF THE PUBLIC SEWER

- (a) NO CLEAR WATER DISCHARGES. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, ground water, roof rain, subsurface, drainage or collecting water to any sanitary sewer.

- (b) COMPLIANCE WITH THE DEL-HART ORDINANCE. No person shall discharge wastes into a public sewer within the Municipality, except residential wastes in accordance with the provisions of the Del-Hart Ordinance, as amended from time to time.

- (c) NO DISCHARGE TO VIOLATE GENERAL PERMIT FOR BYPASSING. No person shall discharge or cause to be discharged any waters, wastewaters or other substances of any kind or nature that will result in or otherwise cause a violation of any General Permit For Bypassing issued by the Wisconsin Department of Natural Resources and held by the Municipality.

(6) PUBLIC SEWER MAIN EXTENSIONS

- (a) APPLICATION AND APPROVAL. The extension of public sewer mains to serve new customers/users is subject to the prior review and approval of the Municipality, the Village of Hartland, and any other governmental agency having appropriate jurisdiction thereof. Any person seeking to develop real property and requiring sewer service in connection with such development, shall make application to the Municipality for a public sewer main extension, if so required in order to serve such development. Such application shall be in writing and shall set forth the following information:
 - i. Name of development and the legal description of the property involved.
 - ii. Plat map or certified survey map or other map showing street layout and lot sizes.
 - iii. Zoning of the property.
 - iv. Proposed plans and specifications for the sewers.
 - v. Name and address of consulting engineer.
 - vi. Number of housing units and/or other units to be constructed.
 - vii. Such additional information as the Municipality may require.

- (b) CONDITIONS OF APPROVAL. The Municipality, subject to its inter-municipal agreement with the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision, shall have the discretion to approve or disapprove the requested public sewer main extensions. In granting such approval, the Municipality may condition its approval upon compliance with:

- i. Any applicable ordinances of the Municipality, the Del-Hart Commission or Waukesha County.
- ii. Any applicable statute, rules, orders, or codes of the State of Wisconsin.
- iii. The preparation of plans and specifications for the sewer main extension, subject to the approval of the Municipality and its consulting engineer.
- iv. The applicant making and installing the public sewer main extension at his/her/its sole cost and expense or otherwise providing a surety bond or other security to ensure that the main will be so constructed within a reasonable period of time.
- v. The dedication of such rights of way, easements and sewerage facilities as the Municipality may reasonably require.
- vi. The payment of all costs and expenses incurred or to be incurred by the Municipality in connection with the review and approval of such sewer extension, including but not limited to engineers fees, attorneys fees, inspection fees and other similar costs and expenses.
- vii. The payment of any applicable Connection Fees due or to become due pursuant to the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.
- viii. Any restriction or condition set forth in the inter-municipal agreement between the Town and the village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.
- ix. Any other condition determined by the Municipality to be fair and reasonable in order to protect the interest of the Municipality in connection with the proposed development.

(c) CONTRACT FOR SEWER IMPROVEMENTS. The Municipality may require the person filing an application pursuant to Section 6(a) hereof, to enter into a written development agreement with the Municipality, as a condition of the approval of the sewer main extension. Such agreement shall define the scope of the work, the obligations of the applicant to construct the sewer facilities, the requirement of security for performance of the applicant's obligations set forth therein, and such other matters as the Municipality may reasonably determine. The applicant shall reimburse the Municipality for all fees and costs as provided for in Section 3.08 of the Town ordinances.

(7) SEWER USER CHARGE SYSTEM

Sewer service charges, costs, and fees to each user shall be based on the inter-municipal agreement between the Municipality and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.

(8) CONTROL OF INDUSTRIAL WASTES

(a) GENERAL

- i. An "Industrial Discharge" or "Industrial Waste" shall have the same meaning as provided for in the Del-Hart Ordinance, as amended from time to time.
- ii. No person shall discharge or cause discharge of Industrial Waste into the public sewers of the Municipality.

(b) DISCHARGE OF HOLDING TANK WASTE

- i. GENERAL. For purposes of this Section, the terms "Holding Tank Waste" and "Licensed Disposer" shall have the same meaning as provided for in the Del-Hart Ordinance, as amended from time to time.
- ii. PROHIBITION OF DISCHARGE INTO THE MUNICIPALITY'S PUBLIC SEWERS. No person, including a Licensed Disposer, shall discharge any Holding Tank Waste, or any other similar waste, into any manhole or other opening in a public sewer owned or maintained by the Municipality. Instead, all such discharges of Holding Tank Wastes shall be made pursuant to the Del-Hart Ordinance, as amended from time to time.

(10) BILLING AND PAYMENT OF SEWER SERVICE CHARGES

- (a) CALCULATION. Sewer Service Charges that are to be assessed to users shall be computed by the Municipality according to the rates and methodology presented in Chapter VII of this Ordinance.
- (b) BILLING. Sewer Service Charges shall be billed to each user as provided for in the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision.
- (c) PENALTY FOR DELINQUENT PAYMENTS. A penalty equal to one and one-half (1.5%) percent per month of the delinquent amount shown on any bill for services, shall be added to all bills not paid by the date fixed therein for final payment. An additional penalty of ten (10%) shall be assessed and delinquent bills placed on the tax roll pursuant to the provisions set forth in Section 66.0809(3), Wis. Stats.

- (d) REMEDIES FOR FAILURE TO MAKE PAYMENTS. The Municipality may direct that unpaid Sewer Service Charges, Connection Fees, or other charges due from any person or user, shall be collected and taxed and shall be a lien upon the property served in the manner provided for in Sections 66.0809 and 66.0821(4)(d), Stats., as amended from time to time, or the Municipality may utilize any other remedy available to it under Wisconsin law..
- (e) OBLIGATION FOR PAYMENT. The obligation for payment of Sewer Service Charges, Connection Fees or other charges due the Municipality shall be a joint and several obligation of the user and property owner, where the user and property owner are not the same person. To the end that there may be attempts at avoidance of payment of such charges and fees by non-property owner users, and to overcome the same, the Municipality or Village of Hartland may send the bill for such a user, in care of the property owner.
- (f) REMEDIES CUMULATIVE. All remedies provided for in this Ordinance are distinct and cumulative to any other right or remedy under this Ordinance or any other Ordinance of the Municipality or afforded by law or equity; and may be exercised by the Municipality concurrently, independently, or successively.

(11) CONNECTION FEES

For each connection of a Building Sewer to a public sewer within the Foxwood Estates Subdivision, there shall be paid a Connection Fee as determined pursuant to inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision. The failure to pay any Connection Fee is a violation of this Ordinance; and this Municipality may pursue all rights and remedies provided for herein.

(12) VIOLATIONS, ABATEMENT PROCEDURES AND PENALTIES

- (a) VIOLATIONS CONSTITUTING PUBLIC NUISANCE. A violation (other than the failure to pay Sewer Service Charges or other fees or costs due under this Ordinance) of any provision of this Ordinance or any other rule or order of the Municipality is hereby declared to be a public nuisance.
- (b) DAMAGE TO MUNICIPALITY'S PROPERTY. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of equipment which is a part of the Municipality's or Village of Hartland's sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or criminal damage to property as the case may be.
- (c) ENFORCEMENT. The Municipality shall have the right to enforce the provisions of this Section and shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the Municipality and/or

the Village of Hartland 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.

- (d) OTHER METHODS NOT EXCLUDED. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the Municipality or its officials in accordance with the laws of the State of Wisconsin.
- (e) COURT ORDER. Except where otherwise permitted under applicable Wisconsin law, the Municipality 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 public nuisance.
- (f) COST OF ABATEMENT. In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Municipality 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.
- (g) Section 13.9 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the aforesaid notice time limit provided, shall 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.
- (h) ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or a receiving body of water (e.g., lake, river, stream, etc.) shall, in addition to a fine, pay the amount to cover all damages, both of which will be determined by the Municipality or other governmental authority having appropriate jurisdictions.
- (i) 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 Del-Hart Commission.
- (j) LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Municipality for any expense, attorney's

fees, costs, engineering fees, loss, or damage occasioned by reason of such violation which the Municipality may suffer as a result thereof. Without intent to limit the generality of the foregoing, the Municipality shall have the right of recovery from all such persons, any expense incurred by the Municipality for the repair or replacement of any part of the public sewerage system damaged in any manner by any person by the performance of any work under its control, or by any negligent acts.

(13) SEPTIC SYSTEMS


The maintenance and use of a septic tank or other private sewerage disposal system by any owner of land located within the Foxwood Estates Subdivision serviced by the Village of Hartland pursuant to the inter-municipal agreement between the Town and the Village of Hartland concerning sanitary sewer service for the Foxwood Estates Subdivision, is hereby declared to be a public nuisance and a health hazard. Such nuisance and hazard shall be abated; and damages and costs recovered therefor in accordance with Section 823.02 of the Wisconsin Statutes.

SECTION 2. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.


SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Passed and approved this 17th day of July, 2007.

Town of Delafield

By: 
Paul L. Kanter, Town Chairman

ATTEST:


Mary Elsner, CMC, WCMC
Town Clerk