

ORDINANCE NO. 74-1

AN ORDINANCE ESTABLISHING THE SEWER
UTILITY OF THE VILLAGE OF TONY
OF RUSK COUNTY AND ESTABLISHING SEWER RATES,
RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND
ALSO CONCERNING GOVERNMENT OF SEWER USERS, LICENSED PLUMBERS
AND OTHERS, AND PENALTIES.

The Village of Tony, of Rusk County,
Wisconsin, does hereby ordain as follows:

SECTION 1

- A. Control of the Sewer System for the Village
is vested in the Village Board of said Village; all records, minutes
and all written proceedings thereof shall be kept by the Clerk of the
Village; the Treasurer of the Village shall keep all the financial
records.
- B. The Sewer Utility of the Village shall have the power to construct
sewerlines for public use, and shall have the power to lay sewer pipes
in and through the alleys, streets and public grounds of the Village;
and generally, to do all such work as may be found necessary or conven-
ient in the management of the Sewer System. The Board shall have
power by themselves, their officers, agents and servants, to enter
upon any land for the purpose of making examination or supervise in
the performance of their duties under this Ordinance or Resolution,
without liability therefor; and the Board shall have power to purchase
and acquire for the Village, all real and personal property which may
be necessary for construction of the Sewer System, or for any repair,
remodeling or additions thereto.
- C. Condemnation of Real Estate. Whenever any real estate or any
easement therein, or use thereof, shall in the judgment of the Board,
be necessary to the Sewer System; and whenever, for any cause, an
agreement for the purchase thereof, cannot be made with the owner thereof,
the Board shall proceed with all necessary steps to take such real
estate easement, or use by condemnation in accordance with the Wisconsin
Statutes.

D. Title to Real Estate and Personalty. All property, real, personal and mixed, acquired for the construction of the Sewer System, and all plans, specificacations, diagrams, papers, books and records connected therewith said Sewer System, and all buildings, machinery and fixtures pertaining thereto, shall be the property of said Village.

SECTION 2

A. User Rules and Regulations. The rules, regulations and sewer rates of the Village of Tony hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the Sewer System to the Village and every such person, company or corporation, by connecting with the Sewer System, shall be considered as expressing his or their assent to bound thereby. Whenever any of said rules and regulations, or such others as the said Village Board may hereafter adopt are violated, the user shall be required to correct such violation within 20 days after receiving written notice of violation from the Village. If, after 20 days notice in writing, such user permits the violation to continue he shall be subject to a forfeiture, upon conviction, of not less than \$10.00 or more than \$100.00, together with the costs of prosecution. Each day in which any violation continues to exist, after the effective date of notice, shall be deemed a separate violation. The violation shall be determined to be in effect until such violation is corrected, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Board, furthermore, may declare any payment made for the sewer service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to Board to change the said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases,

SECTION 3

The following rules and regulation for the government of licensed plumbers, sewer users and others, are herby adopted and established:

A. Plumbers:

1. 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 Board. A petition in writing, giving his name and that of each member of his firm, if any, and place of business, asking to become a licensed plumber of the Village of Tony, and stating his willingness to be governed in all respects by the rules and regulations of said Village there or thereafter to be adopted. Said petition shall be signed by two responsible citizens of said Village, vouching for the business capacity and good reputation of the applicant, and for his worthiness to receive a license. Before receiving a license, the applicant shall file in the Office of the Board of the Village of Tony a bond with two or more sureties, to be approved by said Board, in the sum of \$2,000 with the condition that he will indemnify and keep harmless the Village of Tony and the Village Board from all liability for any accidents and damages arising from any negligence of unskillfulness in doing or protecting his work, or from any unfaithful or inadequate work done in pursuance of his license; and that he will, also, restore the street, sidewalk and pavement over any pipe he may lay, and fill all excavations to be made by him, so as to leave said street, sidewalk and pavement in a good state and conditions as he found them, and will keep and maintain the same in good order, to the satisfaction of said Board for the period of eight months next thereafter; and that he will pay all fines that may be imposed on him as set forth in Section "K" of this Ordinance for a violation of any rules and regulations adopted by said Village or said Board, and in force during the terms of his license.

All licenses shall expire on the first Monday of April following the date of their issuance.

2. It shall be the duty of such licensed plumbers, within forty-eight hours before completing any attachment or connection, to make full statement in writing to the Board, naming the ordinary and

special uses for which the sewer service will be provided together with a description of all the apparatus and special treatment that may be called for. The Sewer Service will not be provided to any premises until such complete reports are made by the plumber.

3. Any plumber who shall be found guilty of a violation of any of the rules and regulations adopted by the Village or Board shall forfeit his license. A forfeiture of the license of any plumber shall operate as a suspension of the licenses held by the co-partner in the same business, or by any person in his or their employ.

B. USERS:

1. Mandatory Hook-up. The owner of each parcel of presently occupied land serveable by said sewer system shall hook-up thereto on or before three months from the date service is available. Any parcel of land which hereafter becomes occupied shall be hooked-up to said sewer system by the owner thereof, within 30 days of occupancy.

2. Application for Service. Every person connecting with the Sewer System after Dec. 31, 1974 shall file an application in writing to the Village Board, in such form as is prescribed for that purpose.

- a. An application for disposal of industrial waste shall include:

- (1) Estimated Volume of Waste
- (2) Variations in rate of discharge
- (3) Characteristics of Waste, and
- (4) Strength of waste

- b. Blanks for such applications will be furnished at the office of the Board. The application must state fully and truly all the use/^{which} will be allowed except upon further application and permission regularly obtained from said Board.

The applications must provide the complete, correct, legal description of the property to be served,

If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

Persons connected to the Sewer System of the Village of Tony are referred to herein as "Users."

c.c. If it appears that the service applied for will not provide adequate service for the contemplated use, the Board may reject the application. If the Board shall approve the application, it shall issue a permit for services as shown on the application.

- 3. Initial User Contribution Charge. There is hereby levied against each parcel of land serviceable by said sewer system (vacant, unimproved parcels alone excluded) an initial user contribution charge as listed below:

<u>TYPE</u>	<u>AMOUNT</u>
Single Family Residential-----	\$100.00
Multifamily Residential-----	\$150.00
Small Commercial-----	\$300.00
School-----	\$4,300.00
Churches-----	\$150.00
Industrial-----	\$300.00
Others-----	\$150.00

- 4. Deposit. Each consumer shall pay prior to hook-up, to guarantee payment of all charges herein, a deposit in cash in the amount equal to the minimum quarterly sewer charge pursuant as herein-after provided. Said minimum charge to be determined by the type of service by which the property is connected to the mains. Such deposits will be refunded after two years of timely payment of quarterly charges, or when the user moves from the premises, whichever is first, providing all charges are current.

- 5. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises, for alterations, extensions or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Board.

6. Consumer to Keep in Repair. All consumer shall keep their own service pipes in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary waste of water and overburdening of the Sewer System. All expenses relating to the introduction of sewer into buildings or private premises, and connection with the sewer system, shall be paid by the applicant. No charge, however, shall be made for the services of the superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.
7. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
8. User to Permit Inspection. Every user shall permit the Board, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
9. Utility Responsibility. It is expressly stipulated that no claim shall be made against said Village or Board by reason of the breaking, clogging, stoppage, or freezing of any service pipe. Whenever it shall become necessary to shut off the sewer service within any district of the said Village, the Board shall, if practicable, give notice to each any every consumer within said Village, of the time when such service will be so shut off.

C. Excavations:

1. In making excavations in streets or highways for laying service pipe or making repairs, the planks, paving stones, and earth removed must be deposited in a manner that will occasion the least inconvenience to the public, and provide for the passage of water along the gutters.
2. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the

night, warning light must be maintained at such excavations.

3. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly rammed or puddled to prevent settling. And this work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Board. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

D. Tapping the Mains:

1. No persons, except those having special permission from the Board, or persons in their service and approved by them, will be permitted, under any circumstances to tap the collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Board
2. Pipes should always be tapped on the top, and not within six inches of the joint, or within 24 inches of another lateral connection.

E. Sewer Service Rates:

1. Residential and Small Commercial Service (Sewer)

- a. Availability: Available to residential and small commercial sewer customers; also industrial customers discharging domestic sewage only.

b. Rates:

(1) Minimum charge each quarter:

Residential.....	\$24.00
Commercial.....	\$30.00
Industrial.....	Minimum charge for treatment of industrial wastes to be set by individual contract.
Schools.....	\$1,320.00
Churches.....	\$24.00
Multi-Family Residential...	\$24.00 per family
Resident-Commercial in one building...	\$40.00

2. Billing Rules. Bills for sewer service are rendered quarterly and become due and payable on the first day of the month following

the period for which service is rendered. A penalty of 5% will be added to bills not paid within 15 days from date of bill. If bill is not paid within 20 days, the user will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangement for payment is made within the next five days, service will be discontinued without further notice. A charge of \$ 10.00 will be collected in advance for restoring service after service has been shut off for nonpayment.

3. Sanitary Benefit Charge: The sewer utility shall receive annually the sum of \$ 1,000.00 from the Village general fund.

4. Standby Sewer Service:

- a. Each improved lot or equivalent parcel of land shall pay a charge for sewerage facilities available but not connected.
- b. Rates: Two percent of minimum applicable quarterly service charge. Standby service shall be billed annually unless the customer requests quarterly billing. The period allowed for payment without penalty and the penalty for late payment shall be the same as for Residential and small commercial service, paragraph E 2.

F. Rules and Regulations (Sewer):

1. Definitions:

- a. Sewage is the water-carried waste created in and to be conducted away from residences, industrial and commercial premises, public buildings, and other structures and premises with such surface or drain water as may be present.
- b. Industrial Wastes are those particular liquid or other wastes resulting from any process of industry, manufacture, trade, or business of the development of any natural resource.
- c. Sewage System includes all street laterals, main and intercepting sewers, and structures by which sewage or industrial waste is collected, transported, treated, or disposed of. This shall not include plumbing inside or in connection with buildings served, or service sewers from a building, to the street lateral.

2. Use of Sewerage System:

- a. Industrial Wastes: Whenever the superintendent of the sewer department shall determine that any lot, parcel of land, buildings, or premises is discharging industrial wastes of unusual volume, concentration or character, or of greatly variable volume, he shall recommend the adoption of a special rate for such, taking into consideration the volume biochemical-oxygen-demand value, and suspended solids content of the industrial wastes and the nature of the use made of the sewer system; but nothing herein, contained shall affect any of such rates as heretofore might have been established unless and until changed by action of the sewer utility.
- b. If a user of the sewerage system discharges any substance therein which is deemed injurious by the Superintendent to the operation of the sewerage system, such user shall be required to discontinue the discharge of such substance in the sewerage system. If, after 20 days of notice in writing, such user continues to discharge such injurious substance into the sewerage system, such user shall be subject to a forfeiture, upon conviction, of not less than \$10.00 or more than \$100.00 together with the costs of prosecution. Each day in which any such violation continues to exist, after the effective date of the notice to discontinue such discharge, shall be deemed a separate violation.
- c. It will be the responsibility of the Superintendent to give to each user a card containing the restrictions on the use of the sewerage system.
- d. Restrictions with respect to domestic and commercial wastes to be discharge to the sewer:
 - (1) No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, ground water, roof run-off, or surface drainage.
 - (2) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

- (a) Any gasoline, benzene, Naptha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (b) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
- (c) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.
- (d) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (e) Any noxious or molodorous gas or substance capable of creating a public nuisance.
- (f) Any garbage that has not been properly shredded.
- (g) Any liquid or vapor having a temperature higher than 150⁰ F.
- (h) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (i) Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

e. Special Treatment or Practices:

- (1) Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable

wastes, sands, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

- (2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and water tight.
- (3) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

3. Preliminary Treatment Facilities:

- a. Where Preliminary Treatment Facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.
- b. When manholes are required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

G. Miscellaneous Rules and Regulations:

1. Vacating of Premises and Discontinuance of Service. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system. by reason of failure to notify the system of a vacancy or any

such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives or agents.

2. Charges are a Lien on Property. The sewer service charges, including "Initial User Contribution Charges," quarterly service charge, or standby may be applicable. Sewer service charges shall be collected and taxed and shall be a lien upon the property served in the same manner as prescribed and in accordance with the provisions of Section 66.069 (1) of the Wisconsin Statutes as the same has been and from time to time may be amended or recreated, which said Section of the Statutes is hereby incorporated herein so far as applicable and not inconsistent herewith. On October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The notice shall be given by the Treasurer unless the Board from time to time shall authorize otherwise. Such notice shall be in writing, shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the utility; and state that unless the same is paid by November 1 thereafter a penalty shall be paid of 10% of such amount of the arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15, thereafter, the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by a delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the Post Office address of such lot or parcel of real estate. On November 16 the Treasurer, or officer or department issuing the notice shall certify and file with the Clerk a list of all lots or parcels of real estate giving the legal description thereof, to the owners or occupants, of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided.

Each such delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lots or parcels of real estate.

3. Unit of Service Definition: A unit of service shall consist of any residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence apartment, flat, store or office, which is equipped with one or more fixtures for rendering sewer service, separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers assessed accordingly.

Suites in houses, or apartments with complete housekeeping functions (such as cooking) shall be classed as rooming houses; thus houses and apartments having suites of one, two or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.

When a consumer's premises has several buildings, each supplied with service, the full service charge will be billed for each service separately.

H. Maintenance of Services: All sewer services within the corporate limits of the Village from the street main to the location of the property line will be maintained by the System without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the System to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. If the property owner does not repair, within 24 hours, any break between the property line and the building allowing clear water infiltration, the service may be repaired by the Village and backcharged to the property owner.

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.

I. Payment of Bills:

1. Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

2. Billing. The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service will be addressed to the owner and delivered to the premises referred to on such bill or notice.

J. Damage Recovery: The system shall have the right of recovery from all persons, any expense incurred by said System for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

K. Penalties: Any person who shall violate any of the provisions of this Ordinance or Resolution or rules or regulation of the Village of Tony; or who shall connect a service pipe without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$10.00 nor more than \$100.00 and the cost of prosecution.

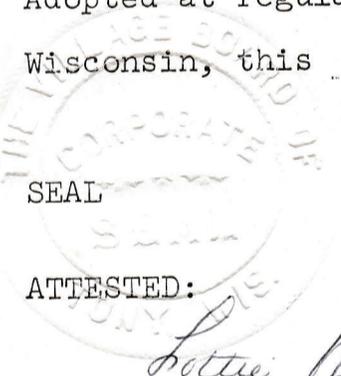
L. Septic Tanks Prohibited: The maintenance and use of Septic Tanks and other private sewage disposal systems within the area of the Village of Tony serviced by its Sewer System are hereby declared to be a public nuisance and a health hazard. From and after the ____ day of _____ 1974, the use of Septic Tanks or any private sewage disposal.

system within the area of the Village serviced by the sewerage system shall be prohibited.

M. Adoption of Other Rules: There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations of the State of Wisconsin insofar as the same are applicable to the Sewerage System of the Village.

N. Validity: If any section, subsection, sentence, clause or phrase of the ordinance or resolution is, for any reason, held to be invalid such decision shall not affect the validity of the remaining portions of the ordinance or resolution. The Board hereby declares that it would have passed this ordinance or resolution and section, subsection, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses and phrases be declared unconstitutional.

Adopted at regular meeting of the Board of the Village of Tony, Wisconsin, this 4th day of February, 1974.



Eugene M. Collier
President of Village of Tony

ATTESTED:

Lottie Nelson, Clerk
Village of Tony