

Village of Lake Nebagamon
SANITARY SEWER ORDINANCE

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

The Village of Lake Nebagamon of Douglas County, Wisconsin, does hereby ordain as follows:

SECTION 1

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

- (A) Biological Oxygen Demand (BOD) – shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with the procedures set forth in “Standard Methods”.
- (B) Building Drain – shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (C) Building Sewer – shall mean the extension from the building drain to the public sewer or other places of disposal beginning outside the inner face of the building wall.
- (D) EHU – Equivalent Home Unit. Non-residential property will be assigned a multiple of a single EHU depending on the type and size of business. For a schedule of EHU guidelines, please see Appendix A.
- (E) 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.

- (F) Hookup Fee – The fee charged to hook up any residential, public or commercial unit to the sewer. The Hookup Fee is set at \$2,500 per Unit.
- (G) Industrial Waste – shall mean the wastewater from industrial processes, trade, or business, as from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (H) Lateral – Shall mean the pipe that connects the customer’s property to the public sewer
- (I) Person – shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (J) pH – shall mean the logarithm of the reciprocal of hydrogen-ion concentration. The concentration is the weight of the hydrogen-ion, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of 10⁻⁷.
- (K) Sanitary Sewer – shall mean a sewer that carries liquid and water –carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (L) Sewer 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 curb or easement line.
- (M) Shall - is mandatory.
- (N) Shock – shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period or duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.
- (O) 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 Federation of Sewage and Industrial Wastes Associations.
- (P) Storm Drain – (sometimes termed “storm sewer”) – shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.
- (Q) Suspended Solids – shall mean solids that either float on the surface of , or are in suspension in, water, wastewater, or other liquids, and is removable by laboratory filtering as prescribed in “Standard Methods for Examination of Water and Wastewater” and is referred to as non-filterable residue.
- (R) Unit – The term “unit” is a generic term applied to a single property, dwelling, or business covered under the sewer ordinance. (i.e. There are four units in an apartment complex with 4 apartments.)
- (S) User - shall mean any person connected to the sewer system of the Village of Lake Nebagamon.
- (T) Village - whenever the word Village is used in this Ordinance, it shall mean the Lake Nebagamon Sanitary Sewer Commission.
- (U) Wastewater – shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried waste from residences, commercial buildings, industrial plants,

and institutions; together with any groundwater, surface water, and storm water that may be present, but not intentionally admitted.

- (V) Wastewater Treatment Works – shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge, Sometimes used as synonymous with waste treatment.
- (W) Watercourse – shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (X) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit – is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

SECTION 2

- (1) The management, operation, and control of the sewer system for the Village of Lake Nebagamon is vested in the Lake Nebagamon Sanitary Sewer Commission of said Village; all records thereof shall be kept by the Clerk/Treasurer of the Commission.
- (2) The Lake Nebagamon Sanitary Sewer Commission of the Village shall have the power to construct sewer lines 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 convenient in the management of the sewer system. The Village 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, without liability therefore; and the Village 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, and for any repair, remodeling, or additions thereto.
- (3) Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village 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 Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes.
- (4) Title to Real Estate and Personality. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, 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 3

Users Rules and Regulations: The rules, regulations, and sewer rates of the Village of Lake Nebagamon herein set forth shall be considered a part of the contract with every person, company, corporation who is connected with the sewer system to the Village and every such person, company, corporation by connecting with the sewer system shall be considered as expressing his or their assent to bound thereby. Whenever any of said rules or regulations, or such others as the said Village Board of Lake Nebagamon may thereafter adopt, are violated the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the Village, and on payment of all arrears, the expenses and established charges for shutting off and putting on, and such other terms as the Village may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Village, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same thereupon be forfeited. The right is reserved by the Village to change 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 4

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

- (1) **PLUMBERS:** No plumber, pipefitter, or other person will be permitted to do any plumbing or pipefitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.
- (2) **USERS:**
 - A. **Application for Service.** Every person connecting with the sewer system shall file an application in writing to the Sewer Commission, in such form as is prescribed for that purpose. Blanks for such application will be furnished at the office of the Sewer Commission.

The application must state fully and truly all the use that will be allowed except upon further application and permission regularly obtained from said Sewer Commission. 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 Lake Nebagamon are referred herein as "Users".

The application may be for service to more than one building, or more than one unit of service through one service connection, and in such cases, charges will be made accordingly.

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

- B. 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 tapings or other work shall exhibit the proper permit for the same from the Sewer Commission.
- C. User To Keep In Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary overburdening of the sewer system. All expenses relating to the connection to the sewer system shall be paid for by the applicant. No charge, however, shall be made for the services of the Sewer Commission in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.
- D. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
- E. User To Permit Inspection. Every user shall permit the Sewer Commission 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 may at all times, frankly and without concealment, answer all questions put to them relative to its use.
- F. Utility Responsibility. It is expressly stipulated that no claim shall be made against the Village, Village Board or Sewer Commission by reason of breaking, clogging, stoppage, or freezing of any service pipe; 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 the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of said Village, the Sewer Commission shall, if practicable, give notice to each and every consumer within said Village.
- G. Septic Tank and Holding Tank Disposal. No person shall dispose of seepage, septic tank sludge or holding tank waste by transferring such material into any disposal area or sewer manhole located within the Lake Nebagamon Sanitary Sewer District boundaries.

(3) EXCAVATIONS:

- A. In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- B. No person shall leave any such excavation made in any street or highway open at anytime without barricades; and during the night, warning lights must be maintained at such excavations.
- C. 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 compacted to prevent setting, and this work, together with 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 Sewer Commission. No opening of the streets for tapping of pipes will be permitted when the ground is frozen, without additional permission from the Sewer Commission.

- D. The homeowner will be responsible for any and all repairs and restorations to any street, sidewalk, or village property that is disturbed in any fashion.
- E. All excavations and sewer or lateral connections must be inspected and approved by the proper Village Authority before any backfilling is started or the Village will require it be reopened at the property owner's expense.

(4) TAPPING OF MAINS:

- A. No person, except those having written permission from the Sewer Commission, or persons in their service and approved by them, will be permitted, under any circumstances to tap mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said Sewer Commission.
- B. Pipes should always be tapped on top, and not within six inches (15cm) of the joint, or within 24 inches (60 cm) of another lateral connection.

(5) INSTALLATION OF HOUSE LATERALS:

- A. All sewers (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code Chapter H-62, "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically, Section H-62.04 (4) "Building Sewers".
 - a. Single Unit 4" Pipe
 - b. Duplex Unit 6" Pipe
 - c. 4+ Units 8" Pipe
- B. All laterals shall be traced with a copper wire for purposes of locating with a metal detector.
- C. Per Section H-62.04 (5), all laterals will 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."

(6) SEWER SERVICE SPECIAL HOOKUP FEES:

- A. The sewer hookup fees will be as follows:
 - 1) The hookup fee shall be set at \$2500. The user is responsible for all expenses incurred in the installation thereof.
 - 2) Whenever premises served by the sewer system are permanently vacated by the owner, any subsequent hook up will be billed at the Hook Up fee then in effect.

B. Monthly user charges:

- 1) Monthly user charges will be set by the Sewer Commission according to Appendix A.
- 2) All users hooked up to the sewer system shall pay a monthly charge regardless if the premises is used seasonally or vacated.
- 3) Monthly charges can be discontinued if the sewer pipe exiting the dwelling is permanently capped off by a WI licensed plumber, and a written statement of this fact is provided by said plumber. Hook Up fees would then apply as stated above in section A2 if reconnection is then requested.
- 4) All sewer users have the right to appear before the Sewer Commission for consideration of rate changes.
- 5) A water meter may be installed in any non-residential property by the owner, at the owner's expense or by the Sewer Commission at the commission's expense. The overage rate charged will be \$3.50 per thousand gallons of metered makeup water, in addition to the EHU charged to the property. The overage rate will be charged on any water use over 100 gal/day per EHU.

C. Mailing of Ordinance. Mailing of this Ordinance, by the Commission, will be considered as having complied with the contents of Section 4 paragraph 7 "Mandatory Hookup", showing 60 days written notice from the Sewer Commission, prior to hookup.

(7) MANDATORY HOOKUP:

- A. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which system is extended, shall connect to such system within 60 days notice in writing from the Sewer Commission. Upon failure to do so the Sewer Commission may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after completion of the work file a written option with the Commission Clerk stating that he cannot pay such amount in one lump sum and ask that there be levied in not less than five (5) equal installments and that the amount shall be collected with completion of the work, the unpaid balance being a special tax lien, all pursuant to section 144.06 Wisconsin Statutes.
- B. In lieu of the above the Commission at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

- C. This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards to said Village of Lake Nebagamon and fails to assure preservation of public health, comfort, and safety of said Village.

(8) MAINTENANCE OF SERVICES:

- A. All sewer services within the limits of the Village of Lake Nebagamon from the street main to the property line and including all controls between the same, 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.
- B. When any sewer service is to be re-laid 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.
- C. Seasonal property owners are responsible for the winterization procedures and maintenance of their sewer hookups.

(9) PAYMENT OF BILLS: (Amended 8/6/19, 5/11/21)

- A. 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.
- B. 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.
- C. All sewer charges will be billed on a quarterly basis in advance, and are due upon receipt. Customers failing to pay their full balance within 90 days may be referred to the State Debt Collection system after proper notice has been given (see Wis. Stats. §71.93), or the unpaid balance may be placed on the tax roll for the applicable parcel.

(10) PENALTY FOR IMPROPER USE: (amended 9/1/20)

- A. It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Sewer Commission bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or distributing sewage.
- B. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 200 mg/L; a surcharge shall be based on

the excess of BOD or suspended solids at a rate of \$0.50/pound. The Sewer Commission reserves the right to test sewage at any point within the connection system of user or consumer.

C. It shall be unlawful to discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

1. Any stormwater, surface water, ground water, roof runoff, or surface drainage.
2. Any antifreeze, gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
3. Any disposable wipes, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, 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 sewer works.
4. Any water or wastes containing a toxic or poisonous substance insufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to human or animals, or create any hazard in the receiving treatment facility.
5. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment lagoons.
6. Any noxious or malodorous gas or substance capable of creating a public nuisance.
7. Any garbage that has not been properly shredded.
8. Any liquid or vapor having a temperature higher than 150 degrees F.
9. Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.
10. Any waters or wastes having a 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 Sewer Works.
11. Any motor oils and petroleum based products.

(11) 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 negligent or intentional act.

(12) PENALTIES:

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Village of Lake Nebagamon or who shall connect a service pipe without first having obtained a permit therefore; 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 \$100 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section 4 for mandatory hook-up, nor from enforcing any other remedy under this Ordinance or Wisconsin Statutes.

(13) **SEPTIC TANKS PROHIBITED:**

The Maintenance and use of septic tanks, outhouse, and other private sewage disposal systems within the area of the Village of Lake Nebagamon serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after July 1, 1978, the use of septic tanks, outhouses, or other private sewage disposal system within the are of the Village serviced by the sewer system shall be prohibited.

SECTION 5

MISCELLANEOUS RULES AND REGULATIONS

- (1) Charges are a lien on property: All sewer services, charges, and special assessments shall be a lien on a lot, or land on which sewer services are supplied. All sums which have accrued during the preceding year and which are unpaid by the 1st of December on any year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.
- (2) Unit of service definition: A unit of service shall consist of any residential, commercial, industrial or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. All consumers other than residential shall be classified as nonresidential. The Village Board, on the recommendation of the Sewer Commission, shall set separate rates for all nonresidential consumers (Appendix A). When the consumer's premises has several buildings, for which services are eligible and such buildings are used in the same business and connected by the user, the Village Board shall set a separate rate for each complex according to (Appendix A).
- (3) 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; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Sanitary Sewer Ordinance of the Village of Lake Nebagamon.
- (4) Severability: If any section, subsection, sentence, clause or phrase of the Ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The Village Board hereby declares that it would have passed this Ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses, and phrases be declared unconstitutional.

Appendix A

CLASSIFICATION	FORMULA
1. Single Resident (Yearly & Seasonal)	One unit
2. Duplex	Two units
3. Apartment Buildings	One unit per apartment
4. Public Buildings	
Auditorium/Village Hall	4 Units
Fire Hall	1.25 Units
5. Motel	Unit = bed space x % of occupancy by 8
With laundry	Unit = bed space x % of occupancy by 6
6. Retail/Shopping	One unit per 4000 sq. feet floor space
7. Supermarket	One unit per 400 sq/ft floor space Plus one unit for prepared food
8. Bowling Alley w/Bar	0.50 units per alley
9. Service Station/garage	1.25 Units
10. Country Club	One unit per 25 members
11. School	
a. with meals	One unit per 15 students
b. with meals & showers	One unit per 12 students
12. Churches	1.25 Units
13. Tavern/Bar	Units=capacity by 40
14. Restaurants	
a. Standard	Units=seating capacity by 26
b. Drive-in (short order)	Units=seating capacity by 55

- c. Rest. with one bar Units =seating capacity by 20
- d. Rest. with two bars Units =seating capacity by 18
- e. Rest. with three bars Units=seating capacity by 17

15. Multi-Purpose Buildings Each classification will abide by above formula

16. Other cases To be determined by the technical representatives of the parties.

NOTE: LOWEST COMMERCIAL RATE WILL BE 1.25 EHU'S.