

SEWER USE ORDINANCE BOHNER'S LAKE SANITARY DISTRICT

I. PURPOSE

- A. The purpose of this ordinance is to establish regulations for the use of public and private sewers and drains, for the installation and connection of building sewers, and for the discharge of waters and wastes into the public sewer system compatible with regulations of the State of Wisconsin Department of Natural Resources; to provide for penalties for violations thereof; to provide for the levying and collection of sewer service charges and penalties; and to provide for a system of charges to new customers to compensate the District for reserve capacity designed and built into the sewer system.

II. DEFINITIONS

- A. **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 and conveys it to the building sewer.
- B. **Lateral** shall mean the extension from the building drain to the public sewer or other place of disposal.
- C. **Collection System** shall mean all of the structures, facilities, conduits, equipment, pipes, and processes erected, constructed, installed, or operated by the District for the collection and conveyance of wastewater for treatment, including any future extensions.
- D. **Commission** shall mean the duly elected Commissioners of the Bohner's Lake Sanitary District.
- E. **District** shall mean the Bohner's Lake Sanitary District of the Town of Burlington.
- F. **Holding Tank Waste** shall mean any untreated wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and vacuum pump tank trucks.
- G. **Natural Outlet** shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- H. **Operation and Maintenance Costs** shall include all costs associated with the operation and maintenance of the wastewater collection facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection facilities.
- I. **Person** shall mean 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 the hydrogen-ion concentration. The concentration is the weight of the 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} .
- K. **Plumbing Inspector** shall mean the person or firm designated by the Commission as its representative for purposes of inspecting connections to the Collection System.

- L. **Replacement Costs** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection facilities to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs shall include replacement costs.
- M. **User Charge** is a charge levied on users of the wastewater collection and treatment service to recover annual revenues for debt service, replacement costs, and operation and maintenance expenses of said facilities. (The user charge which covers operation and maintenance and replacement expenses and the cost of treatment by the City of Burlington is a part of the sewer service charge.)
- N. **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 wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- O. **Wastewater Treatment Facility** shall mean the arrangement of devices and structures for treating wastewater, industrial wastes, and sludge owned and operated by the City of Burlington which provides treatment of wastewater conveyed by the District's collection system.
- P. **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit** is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitation and monitoring requirements for the wastewater treatment facility operated by the City of Burlington. WPDES also applies to the general permit issue to the District relating to the operation of its Collection System.

III. USE OF PUBLIC SEWERS

A. Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the District or in any area under the jurisdiction of said District, any human or animal excrement (other than the normal type of fertilizer), garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of the District, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with an order of the said District and applicable codes and regulations.
3. The owner of any house, building or property used for human habitation, occupancy or employment or for carrying on any trade or business on a continuing basis situated within the District and abutting on any street, alley or right-of-way in which a public sewer is located, or in which the extension of the public sewer may be deemed feasible by the Commission, is hereby required at his expense to install suitable wastewater facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance. Absent any extraordinary conditions,

- any building which may be connected to the sewer line with a lateral up to 300 feet long shall be declared a feasible connection.
4. The maintenance and use of outhouses, vault privies, cesspools and any other private waste water treatment systems which do not strictly comply with the requirements of Chapter 145 of the Wisconsin statutes are hereby declared to be a public nuisance and a health hazard. Any such systems not in conformity with the requirements of this ordinance, shall be abandoned, caved in and filled, within thirty (30) days of connection to public sanitary sewers.
 5. Private waste water treatment systems in strict compliance with the requirements of Chapter 145 of the Wisconsin statutes may be permitted by special license issued by the District if connection to the District's collection system is not feasible as determined by the District.
 6. No person shall carry on the business of plumbing or installation of plumbing or sewer connections or drain laying or do or perform any such work within the limits of the District, until such person shall have first obtained a plumber's license prescribed by the State of Wisconsin, as required by law and shall exhibit said license to the Plumbing Inspector of the District.
- B. Clear Water Discharge Prohibited. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer of the District. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Commission.
- C. Storm Water. Storm water, other than that exempted under paragraph B of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Commission and other regulatory agencies. Unpolluted cooling water or process waters may be discharged into a storm sewer or natural outlet with the Commission's approval.
- D. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer of the District:
1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 2. Any waters or waste containing toxic pollutants as defined in Chapter NR 215 of the Wisconsin Administrative Code or any poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
 3. Any waters or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
 4. Any waters or wastes having a pH in excess of 10.

5. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, sand, mud, shavings, metal, glass, rags, tar, plastics, wood, unground garbage, paper dishes, paper or cloth diapers, etc., either whole or ground by garbage grinders.
 6. Any waters, materials or wastes, the discharge of which is prohibited by the provisions of City of Burlington ordinances governing the use or operation of the City of Burlington collection system or waste water treatment facility, as amended from time to time.
- E. Mercury Discharge. This Section III E. shall apply to all facilities having the potential to discharge mercury or mercury-containing material to the District's sanitary sewer collection system.
1. Such facilities include, but are not limited to:
 - a. Medical facilities, including all hospitals, clinics and veterinary facilities that have laboratories.
 - b. All public and private schools with science laboratories, including middle schools, high schools, technical schools, colleges and universities, but excluding elementary schools.
 - c. Industrial facilities, including all industrial plants that historically or consistently discharge mercury into the wastewater collection system and all industrial plants, the wastewater from which potentially contains mercury.
 2. All facilities regulated under this section shall implement best management practices as established by the Wisconsin Department of Natural Resources.
 - a. Within three months of a written request by the District all facilities regulated under this section shall submit a report to the District which identifies the management practices already implemented and sets forth anticipated dates for implementing other management practices listed in the report consistent with the requirements of this section.
 - b. Within six months of written notice by the District requesting a report pertaining to the implementation of best management practices all facilities regulated under this section shall submit to the District a report certifying implementation of the management practices described in the report.
 3. Dental Offices. Notwithstanding any other provisions of this section, any dental office that places or removes amalgam shall comply with the following requirements:
 - a. All dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association.
 - b. Every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 1 1 143).

- c. Dental offices shall install, operate and maintain the amalgam separator according to instructions provided by the manufacturer.
 - d. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system in use.
 - e. On or before December 31st each year each dental office subject to the provisions of this section shall certify in writing to the District the implementation of best management practices for amalgam as established by the Wisconsin Dental Association and installation and use of an amalgam separator as required in this Section. The certification shall include the name of any contractor or contractors used to remove amalgam waste and also set forth a schedule of all maintenance performed on the amalgam separator within the calendar year, including inspections, cleaning, repairs or other maintenance.
 - f. Dental offices subject to the provisions of this section shall permit the District or its designees to inspect the vacuum system, amalgam separator, and amalgam waste storage areas upon request. The District shall make every effort to schedule such inspections in advance so as to minimize any impact upon the operation of the dental office.
- F. WPDES Compliance. The District shall comply with all the requirements of any applicable WPDES Permit and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of any applicable WPDES permit and the modifications thereof.
- G. Applicable Ordinances. All waters or wastes entering the system of the District shall be subject to all of the provisions of the applicable wastewater control ordinance of the treatment authority.
- H. Special Arrangements. No statement contained in this subsection shall be construed as prohibiting any special agreement between the Commission and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the District without recompense by the person, and further provided that all rates and provisions set forth in these Rules and Regulations are recognized and adhered to, and being further subject to conditions and rates as prescribed by the treatment authority.
- I. Septic Tank and Holding Tank Disposal. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the District boundaries.
- J. Maintenance and Repair of Laterals. The owner of every building connected to the Collection System shall maintain and repair the lateral providing the connection from the building drain to the point at which such lateral connects to the District's main, including any grinder pump, wet well or similar components.

1. The building owner shall provide such maintenance and repair as are necessary for its proper function and the elimination, to the greatest extent possible, of the inflow or infiltration of groundwater, stormwater or other unpolluted water to the lateral.
2. All maintenance and repair of building laterals shall be at the sole expense of the building owner.

K. Sumps and Sump Pumps Required.

1. In all buildings where a foundation drainage system is provided and there is no natural drain for this sub-surface water to drain into, the owner shall provide or build a suitable pit, minimum size fifteen inches (15") diameter by thirty inches (30") deep, to collect all water that may enter the foundation drainage system; also he shall install, operate and maintain a sump pump, cellar drainer or some suitable pump and he shall pump this foundation water to a storm sewer or outside the building to a natural drain, or discharge point at least fifteen (15) feet from the foundation drainage system.
2. It shall be unlawful to connect any foundation drainage to the sanitary sewer system.
3. It shall be unlawful to willfully allow any sump pit to overflow into the basement floor drain that is connected to the sanitary sewer.
4. No person shall make connection of roof down spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.

L. Grease Interceptors Required.

1. The property owner shall provide or cause to be provided at the property owner's expense, grease, oil, and sand interceptors as required by the State Plumbing Code for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful substances.
2. All interceptors shall be of a type and capacity approved by the District.
3. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
4. Agents or employees of the District shall be granted reasonable access to premises where an interceptor is located upon presentation of proper credentials and identification for purposes of inspection.
5. Each owner with a grease interceptor shall forward annual maintenance records to the District.

IV. CONNECTIONS AND CONNECTION FEES

- A. New Connections Limited. New connections to the District's sanitary sewer system will not be allowed if there is insufficient capacity in any of the downstream wastewater collection facilities or in the treatment capacity of the City of Burlington treatment plant.

B. Building Connections.

1. Supervision and Inspection. The Plumbing Inspector of the District or his designee shall act as Inspector under the direction of the Commission and shall have control of the supervision and inspection of sewer connections and the authority to enforce all laws, ordinances of the District and rules in relation thereto.
2. Connection Permit Required. No unauthorized person shall uncover, use, alter, or disturb or make any connection to any of the sewers of the District from any building, premises, excavation place or property of any kind whatsoever by any drain, tap or sewer intended or designed to, or capable of, discharging any matter, whether fluid or solid, into the sewers of the District unless a sewer connection permit has first been issued therefor by the Inspector.
3. Application and Fees. The applicant for a sewer connection permit shall file a written application for such permit with the said Inspector for his approval. Before the Inspector shall issue such permit or approve the application so filed with him, he shall collect the standard fee from the applicant to cover inspection costs, and he shall inspect the premises covered by the application.
4. Inspection of Connection. The building sewer connection to the public sewer shall be made under the supervision of the Inspector. The applicant for the building sewer permit shall notify the Inspector forty-eight (48) hours prior to connection.
5. Connections.
 - a. No permit shall be issued to connect with the public sanitary sewer any excavation or open basement.
 - b. No permit shall be issued to connect any building with the sanitary sewer until such building is completely enclosed by a roof, the outside wall backfilled to established grade, and all sanitary sewer lines within buildings that will be covered by basement floors have been inspected and approved by the Inspector of the District and after the permanent floor is constructed in the basement.
 - c. For buildings without basements or for mobile home pads, the permit shall be issued after the footing and the sub floor or pad has been constructed.
 - d. No permit shall be issued to connect with the public sanitary sewer any garage floor drain, as that term is defined in the Wisconsin Administrative Code.
 - e. Before any permit is issued, the person or contractor who is to perform the work shall file with the District a certificate of insurance for general liability in the amount of Three Hundred Thousand Dollars (\$300,000), with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries and costs, arising out of the work to be performed

including restoration and replacement of the premises to as good a condition as they were in before such work was commenced and guaranteeing the faithful performance of all work with proper care and skill. Such insurance shall remain in force until the final expiration of the permit except that on expiration it shall remain in full force as to all penalties, claims and demands that have accrued thereunder prior to expiration.

6. Owner's Liability. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
7. Single Connection. A separate and independent building lateral shall be provided for every building. A separate and independent building lateral shall be provided for each unit in a duplex. The Commission reserves the right to grant a variance from the provisions of this section when installation of separate building laterals is not reasonable under the circumstances.
8. Reuse of Existing Laterals. An existing lateral which formerly served a building which has been demolished may be used for connection of a new building only when such lateral is found on examination and test by the Inspector to meet all requirements of this ordinance.
 - a. The property owner or applicant intending to use an existing lateral for connection of a new building must obtain a permit from the Inspector prior to connection.
 - b. In addition to any other applicable fees relating to lateral connection, the property owner or applicant shall pay all costs of examination and testing of the existing lateral, the nature and scope of which shall be determined by the Inspector on a case by case basis.
9. Materials and Methods of Construction.
 - a. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District and the Town.
 - b. A smooth, neat, watertight joint shall be made by field solvent welding a wye saddle, flexible tap wye saddle or factory fabricated type wye connection with attached main line couplings to the public sewer.
 - c. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in "Standard Specifications for Sewer and Water Construction in Wisconsin", the most recent addition, shall apply.
 - d. In addition, any person installing a non-conductive sewer lateral shall install a locating wire or other equally effective means for marking

the location of the lateral per District specifications and shall provide the District or its engineers with a map, drawing or other record of the location of the installed lateral in the form established by the District's engineers.

10. Building Sewer Grade. Whenever practical, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
 11. State Plumbing Code. The provisions of the State Plumbing Code of the State of Wisconsin and all amendments or additions thereto in effect at any specified time are incorporated herein by reference with the same force and effect as though fully set forth herein; provided, however, that in the event of any conflict between the provisions of the code and this ordinance, the provision which requires the maximum compliance or is the most restrictive shall govern.
- C. Openings Protected. Every plumber must enclose each opening which he may make in the roads, streets, or public ways, with sufficient barriers.
1. Warning lights shall be used and so placed as to warn persons of any such opening.
 2. All necessary precautions shall be taken effectively to guard the public from accident or damage to persons or property from the beginning to the end of the work.
 3. Plumbers and owners will be held liable for all damages, including costs incurred by the District in defending any action brought against them for damages, and for the costs of any appeal thereon that may result from the neglect of servants, agents, or employees of said plumber or damage to persons, livestock, vehicles, or property of any kind.
 4. Any contractor making such an opening shall deposit such security with the governmental unit or private association having jurisdiction over such street or public way in such amount as is required by such governmental unit or private association.
 5. Unless previously filed with the District in conjunction with a connection permit application, the contractor shall file with the District a certificate of insurance for general liability in the amount of Three Hundred Thousand Dollars (\$300,000), with sufficient sureties, indemnifying the District and its officers and agents and holding them harmless against all damages, injuries and costs, arising out of the work to be performed including restoration and replacement of the premises to as good a condition as they were in before such work was commenced and guaranteeing the faithful performance of all work with proper care and skill. Such insurance shall remain in force until the final expiration of the permit except that on expiration it shall remain in full force as to all penalties, claims and demands that have accrued thereunder

prior to expiration.

- D. Road Restoration. In restoring any street or other public way, the work shall be performed in accord with the requirements of the governmental body with jurisdiction over such street or other public way. Private roads within the District shall be restored to the satisfaction of the owner.
- E. Laterals Capped During Construction. All mains and laterals shall be capped and sealed during the construction or re-construction of any building or structure to which they are or will be connected unless otherwise permitted by the commission.
- F. Inspection of Disconnected Sewers. Upon disconnection of any system lateral, the person responsible for the disconnection shall cap and seal the lateral and notify the District Inspector of such action. All work relating to the disconnection, except when otherwise permitted by the commission, shall remain uncovered until inspected and approved.

V. BASIS FOR SEWER SERVICE CHARGES

- A. Basis. It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the District to levy and collect charges, rentals, or rates of service upon all the lands, lots, and premises served by having connections with the sanitary sewerage system of the District or served by having connections available with the sanitary sewerage system.
- B. Set by Commission. A sewer service charge (user rates) shall be determined by the Commission with categories as set forth herein. Said sewer service charges shall be amended from time to time by the Commission to reflect the correct costs of sewage collection and wastewater treatment.

VI. CONNECTION FEES

- A. Connection Fees. The sewage collection and pumping system constructed by the District was designed with excess capacity to accommodate future growth. In order to equitably apportion the costs incurred by present users in constructing the system between those users and future users, there is hereby established a connection fee to reflect and equitably apportion the District's system investment in reserve capacity among present and future customers. In addition, the City of Burlington assesses a separate connection fee for each new connection to the collection system delivering waste water to the City treatment facility for treatment. The applicable District connection fee and the City connection fee shall be determined and paid before a permit is issued by the District.
 - 1. The District connection fee for 2021 is \$2,715 for each residential unit equivalent (RUE).
 - 2. The connection fee in subsequent years shall be established by resolution of the Commission determined pursuant to the following formula:

$C = PC + (D \times f / N) + CY + AD$ where:

C - Connection charge per building for the ensuing year.

PC - Connection charge per building for the current year.

D - Debt service for the ensuing year on excess capacity per RUE.
(Budgeted debt service x excess RUE capacity/2,400) / Actual RUE

N - Number of actual RUE's in District at the time of computation.

f - Excess capacity expressed as a decimal.

CY - Connection fee imposed by the City of Burlington.

AD - Inspection and administrative charges from District engineering and administrative contractors.

3. For purposes of applying the foregoing formula, the Commission shall determine the number of RUE's attributable to the building for which sewer connection is requested, in accordance with Section VII hereof. The total district connection fee shall be determined by multiplying the number of RUE's so determined by the connection charge in effect during the year in question.
4. The adjustment to the annual connection charge shall be made no later than December 31 of each year for the ensuing year, based on the budget for that year. This section shall apply to all connections to the district's system subsequent to the effective date of this ordinance.
5. Any person, firm or corporation proposing to build any type of structure within the District intended or required to be connected to the District's collection system, shall submit the plans therefor to the District for review by the District's engineer for determination as to the anticipated sewer usage. Section VII pertaining to the assignment of a Residential User Equivalency to non-residential customers shall apply to the computations made herein.

VII. USER CHARGES

- A. User Charges. User charges are hereby established by the Commission on the basis of residential unit equivalents (RUEs). Residential users shall pay a quarterly user fee for each residential unit equivalent, which monthly user charge shall be reviewed by the District Commission and amended from time to time by resolution of the Commission.
- B. Basis. It is hereby determined and declared to be necessary and conducive to the

protection of the public health, safety, welfare, and convenience of the District to levy and collect user charges or rates of service upon all the lands, lots, and premises served by having connections with the sanitary sewerage system of the District or served by having connections available with the sanitary sewerage system.

- C. Residential equivalent unit for residential development will be assigned as follows:
 - 1. Single-family residence: one RUE
 - 2. Multifamily dwellings (duplex, apartments or condominiums):
 - a. Each unit with three or more bedrooms: one RUE
 - b. Each unit with two bedrooms: 0.75 RUE
 - c. Each unit with one bedroom or less: 0.5 RUE
- D. Nonresidential development fees for nonresidential properties will be determined as follows:
 - 1. The property owner shall submit on waste disposal questionnaire forms provided by the City of Burlington a good faith estimation of the intended sewer usage for any nonresidential development.
 - 2. Based on the information supplied by the property owner, the District, in conjunction with the City of Burlington, shall estimate the annual projected wastewater flow and calculate the number of residential equivalent units for that property. The number of RUEs shall be determined by dividing the estimated wastewater flow by the annual flow of the average residential user. The minimum RUE for any account shall not be less than 2.00 RUE. Upon completion of the RUE computations, all RUEs will be rounded up to the nearest 0.50 RUE.
 - 3. Based upon the number of RUEs calculated, the District shall calculate and impose an interim quarterly user charge.
 - 4. Since the charge determined under in this is based upon estimated usage, the District reserves the right to recalculate the charge based upon actual usage for a twelve-month period.
 - 5. Any nonresidential user of the District's wastewater collection system may cause to be installed a wastewater meter for the purpose of determining the volume of wastewater contributed to the District's collection system. The wastewater meter shall be installed under the District's supervision. The costs for the installation of the meter shall be borne by the user. The user may submit data from the meter to the District in support of a request to recalculate the RUE calculation for the metered property as provided in the preceding subsection 4.

VIII. BILLING PRACTICE

- A. Calculation of Sewer Service Charges. Sewer service charges that shall be assessed to District sewer users shall be computed by the District according to the rates and formulas presented in section VII of this ordinance.
- B. Sewer Service Charge Billing Period. Sewer service charges shall be billed quarterly.
- C. Payment of Sewer Service Charges. Sewer service charges billed by the District shall be paid by the 15th of the month following the billing date and shall be a debt due the District and a lien upon the property served.

1. Any charges not paid by the due date shall be deemed delinquent and shall be subject to a late payment charge of ten percent (10%) of the total sewer charge and may thereafter be collected as provided by law, including, but not limited to, being placed on the next year's tax roll as a special assessment as provided in Section 66.0821 Wis. Stats.
 2. In such case, the District shall cause notice to be sent to the delinquent user on October 15 stating the total amount of the delinquency, including late charges; and further, that if the amount is not paid by November 1, a penalty of ten percent (10%) shall be added and that unless the same is paid by November 15, the delinquent amount, plus any penalties, will be levied as a special tax against the property served. Thereafter, the special tax shall bear interest at the rate of one percent (1%) for each month or fraction thereof and an additional one-half of one percent (0.5%) penalty assessment for each month or fraction thereof until payment is made.
 3. A change of ownership or occupancy of the premises found delinquent shall not be cause for reducing or eliminating charges and penalties.
- D. Reassignment of Sewer Users. The Commission shall reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.
- E. Charge for Toxic Pollutants. Any person discharging toxic pollutants which cause an increase in the cost of treatment or of managing the effluent or sludge from the City of Burlington's wastewater treatment facility shall pay for such increased costs as may be determined by the Commission in addition to any forfeiture which may be imposed therefor.

IX. REVIEW OF USER CHARGES

- A. Biennial Audit. The Commission shall review biannually the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities and the sewer service charge system, if necessary, to accomplish the following:
1. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.
 2. Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities.
 3. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to the class of users for the next year and adjust the sewer service charge rates accordingly.
- B. Records. The Commission shall maintain records regarding wastewater flows, costs of the wastewater collection and treatment facilities, sampling programs and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

X. RIGHT ENTRY, SAFETY AND INDEMNIFICATION

- A. Right of Entry. The Commission and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this ordinance and Sec. 66.0119, Wisconsin Statutes.
- B. Right to Enter Easements. The Commission or other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private properties through which the District holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the easement.

XI. VIOLATION AND PENALTIES

- A. Written Notice of Violation. Any person found to be violating any provision of this Ordinance shall be served by the District with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Such notice may be in addition to a citation for violation of this ordinance.
- B. Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to any forfeiture, pay an amount to cover the damage, both values to be established by the Commission.
- C. Penalty for Violations. Any person, partnership, or corporation, or any officer, agent or employee thereof, who shall violate any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$20.00 nor more than \$500.00 together with the costs of prosecution. Each day in which any violation continues shall be deemed a separate offense.
- D. Liability for Losses. Any person violating any provisions of these Rules and Regulations shall become liable to the District for any expense, loss, or damage occasioned by reason of such violation which the District may suffer as a result thereof.

XII. APPEALS

- A. Initiating Appeal. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Commission interpreting or implementing the provisions of this ordinance or in any permit issued hereunder, may file with the Commission a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.
- B. Hearing. The Commission shall schedule a hearing regarding such request for

reconsideration and shall give written notice to the requesting person at least five (5) days before the hearing. The requesting person shall have the right to present any relevant matters at such hearing.

- C. Decision. The Commission shall render a decision on the request for reconsideration to the requesting person in writing within fifteen (15) days of the date of the hearing.

XIII. VALIDITY

- A. Prior Regulations Repealed. This ordinance governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall repeal and supersede all previous ordinances, rules and regulations of the District insofar as they relate to the sanitary sewer system of the District.
- B. Severability. Invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other section, clause, sentence, or provision of these Rules and Regulations which can be given effect without such invalid part or parts.