

AN ORDINANCE ESTABLISHING THE SEWER UTILITY OF THE TOWN OF BURNETT OF DODGE 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 Burnett Sanitary District of Dodge County, Wisconsin, does hereby ordain as follows:

SECTION 1

(1) The management, operation, and control of the sewer system for the Burnett Sanitary District is vested in the Commissioners of said sanitary district; all records, minutes and all written proceedings thereof shall be kept by the Secretary of the Sanitary District; the Treasurer of the Sanitary District shall keep all the financial records.

(2) The sewer utility of the sanitary district 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 sanitary district; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Commissioners 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 therefor; and the commissioners shall have power to purchase and acquire for the sanitary district all real and personal property which may be necessary for construction of the sewer system, or 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 sanitary district commissioners 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 commissioners 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 Personalty. 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 sanitary district.

## SECTION 2

User Rules and Regulations: The rules, regulations, and sewer rates of the Burnett Sanitary District hereinafter set forth shall be considered a part of the contract with every person, company, corporation who is connected with the sewer system to the Burnett Sanitary District 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 sanitary district of Burnett may hereafter 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 re-established except by order of the Commission and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Commission may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Commission furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to Commission 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 regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established:

### (1) Plumbers:

- A. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

### (2) Users:

- A. Application for Service. Every person connecting with the sewer system shall file an application in writing to the Burnett Sanitary District, in such form as is prescribed for that purpose.

Blanks for such applications will be furnished at the office of the Commission. The application must state fully and truly all the use will be allowed except upon further application and permission regularly obtained from said 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 Burnett Sanitary District are referred to herein as "Users".

*Blanks  
Done.*

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 case, charges shall be made accordingly.

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

*Done?*

- B. Deposit. Each consumer shall pay prior to hookup, to guarantee payment of all charges herein, a deposit in cash in the amount equal to the minimum quarterly sewer charge pursuant as hereinafter 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 premises, whichever is first, providing all charges are current.
- C. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Commission.
- D. 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, 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.

- E. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.
- F. User to Permit Inspection. Every user shall permit the 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 must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- G. Utility Responsibility. It is expressly stipulated that no claim shall be made against said Burnett Sanitary District by reason of the 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, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Burnett Sanitary District shall, if practicable, give notice to each and every consumer within said Sanitary District, of the time when such service will be so shut off.

(3) Excavations:

- A. 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.
- B. No person shall leave any such excavation made in any street or highway open at any time 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 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 Commission. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.



(4) Tapping the Mains:

- A. No persons, except those having special permission from the Commission, persons in their service and approved by them, will be permitted, under any circumstances to tap the 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 Commission.
- B. Pipes should always be tapped on the top, and not within six inches of the joint, or within 23 inches of another lateral connection.

(5) Installation of House Laterals:

- A. All sewer laterals on private property will be installed in accordance with State of Wisconsin Administration Code, Chapter H-62 "Design, Construction, Installation, Supervision and Inspection of Plumbing", specifically, Section H-62.04(4) "Building Sewers"/
- B. Per Section H-62.04(5) all laterals will be inspected. "The building sewer and/or private interceptor main sewer placement of the pipe and before backfilling: and, tested before or after backfilling".

(6) Sewer Service Rates:

- A. The sewer service rates shall be as follows:

1.	Residential. . . . .	.\$	_____	per month
2.	Commercial . . . . .	.\$	_____	per month
3.	_____ . . . . .	.\$	_____	per month
4.	_____ . . . . .	.\$	_____	per month
5.	_____ . . . . .	.\$	_____	per month

(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 such system is extended, shall connect to such system within \_\_\_\_\_ days of notice in writing from the Commission. Upon failure to do so the 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 Wis. Stats. provided however that the owner may within thirty (30) days after the completion of the work file a written option with the Sanitary District Secretary stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 5% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wis. Stats.

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

(8) Maintenance of Services:

All sewer services within the limits of the Sanitary District 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.

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.

(9) Payment of Bills:

- A. Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the property 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.

(10) Penalty for Improper Use:

- A. It shall be unlawful for any person to willfully injure the system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Sanitary District, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or distributing sewage. 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 200mg/l; a surcharge shall be based on the excess of BOD or suspended solids at a rate of \$0.50/pound. The Commission reserves the right to test the sewage at any point within the connection system of the user or

B. No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, roof run-off, or surface drainage.

C. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

(1) Any gasoline, benzene, Naptha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any ashes, einders, 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.

(3) 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.

(4) Any waters 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.

(5) Any noxious or molodorous gas or substance capable of creating a public nuisance.

(6) Any garbage that has not been properly shredded.

(7) Any liquid or vapor having a temperature higher than 150° F.

(8) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.

(9) Any waters or wastes having p<sup>H</sup> lower than 5.5 or higher than 9.0 having any corrosive property capable to causing damage or hazard to structures, equipment, and personnel of the sewage works.



(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 any negligent act.

(12) Penalties:

Any person who shall violate any of the provisions of this ordinance or rules or regulations of the Burnett Sanitary District; 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 nor more than \$200 and the costs of prosecution. This, however, shall not bar the Commission from enforcing the connection duties set out in Section \_\_\_\_ for mandatory hookup.

(13) Septic Tanks Prohibited:

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Burnett Sanitary District serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after \_\_\_\_\_, 19\_\_\_\_, the use of septic tanks or any private sewage disposal system within the area of the Burnett Sanitary District serviced by the sewerage system shall be prohibited.

SECTION 4

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. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year, and which are unpaid by the first day of October of any year, shall be certified to the Town Clerk to be placed on the taxroll for collection as provided by Wisconsin Statutes.

(3) 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, aptment, flat, store, office industrial plant, church, or school. Each unit of service shall be regarded as one consumer.

Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment 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, for which services are eligible and such buildings are used in the same business and connected by the user, the Commission shall set a separate rate for such complex.

(4) 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 Burnett Sanitary District of Burnett, Wisconsin.

(5) 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 Commission 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, subsections, sentences, clauses, and phrases be declared unconstitutional.

*Town Clerk*  
Adopted 30th day of November 1976  
*Sanitary District*  
Adopted 12th day of December 1978.