

TITLE 9

Public Utilities

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CHAPTER 1

Water Utility Regulations and Rates

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ARTICLE A

Rates

SEC. 9-1-1 PUBLIC FIRE PROTECTION SERVICE - F-1.

- (a) For public fire protection service to the Utility District #1, Town of Caledonia, the annual charge shall be One Hundred Fifty-Four Thousand, Five Hundred Eight and 00/100 Dollars (\$154,508.00) to cover the use of mains and hydrants.
- (b) For all extensions of fire protection service, there shall be an additional annual charge of \$300.00 per net hydrant added to the system in excess of 348 hydrants.
- (c) This service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the service area. For all other purposes, the metered or other rates set forth, or as may be filed with the Public Service Commission, shall apply.

SEC. 9-1-2 GENERAL SERVICE- METERED- MG-1.

(a)	Service Charge:	<u>Quarterly</u>
	5/8-inch meter-	\$ 15.03
	3/4-inch meter	\$ 15.03
	1-inch meter-	\$ 21.04
	1 ¼-inch meter-	\$ 33.06
	1-1/2-inch meter-	\$ 45.08
	2-inch meter -	\$ 72.12
	3-inch meter -	\$ 120.20
	4-inch meter -	\$ 180.31
	6-inch meter -	\$ 321.55

- (b) **Volume Charge:**
 First 20,000 cubic feet used each quarter - \$1.746 per 100 cubic feet.
 Next 180,000 cubic feet used each quarter - \$ 1.546 per 100 cubic feet.
 Over 200,000 cubic feet used each quarter - \$ 1.446 per 100 cubic feet.

(c) **Billing.** Bills for water service are rendered quarterly and become due and payable upon issuance following the period for which service is rendered. A late payment charge of one percent (1%) per month will be added to bills not paid within twenty (20) days of issuance. This late payment charge will be applied to the total unpaid balance for utility service, including unpaid late payment charges. This late payment charge is applicable to all customers. The utility customer may be given a written notice that the bill is overdue no sooner than twenty (20) days after the bill is issued. Unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service may be disconnected pursuant to Chapter PSC 185, Wis. Adm. Code.

(d) **Combined Metering.**
 Volumetric meter readings will be combined for billing if the Utility for its own convenience places more than one meter on a single water service lateral. Multiple meters placed for the purpose of identifying water not discharged into the sanitary sewer are not considered for Utility convenience and shall not be combined for billing. This requirement does not preclude the Utility from combining readings where metering configurations support such an approach. Meter readings from individually metered separate service laterals shall not be combined for billing purposes.
 Buildings used in the same business, located on the same parcel, and served by a single lateral may have the customer's water supply piping installed to a central point so that volume can be metered in one place.

SEC. 9-1-3 GENERAL WATER SERVICE - UNMETERED - UG-1.

(a) **Rate.** Where the Utility cannot immediately install its water meter, service may be supplied temporarily on an unmetered basis. Such service shall be billed at the rate of Fifty-nine and 72/100 Dollars (\$59.72) each quarter. This rate shall be applied only to single-family residential and small commercial customers and approximates the cost of two thousand six hundred (2,600) cubic feet of water per quarter under Schedule Mg-1. If it is determined by

- (b) the Utility that usage is in excess of two thousand six hundred (2,600) cubic feet per quarter, an additional charge per Schedule Mg-1 will be made for the estimated additional usage.
- (c) **Billing.** Same as Schedule Mg-1.

SEC. 9-1-4 PUBLIC SERVICE - MPA-1.

- (a) Water service supplied to municipal buildings, schools, sewer treatment plants, etc., shall be metered and the regular metered service rates applied.
- (b) Water used on an intermittent basis for flushing sewers, street sprinkling, flooding skating rinks, drinking fountains, etc., shall be metered where meters can be set to measure the service. Where it is impossible to measure the service, the Superintendent shall estimate the volume of water used based on the pressure, size of opening and period of time water is allowed to be drawn. The estimated quantity used shall be billed at the rate of One and 52/100 Dollars (\$1.52) per one hundred (100) cubic feet.

SEC. 9-1-5 RECONNECTION CHARGES - R-1.

	<u>During Normal Business Hours</u>	<u>After Normal Business Hours</u>
Reinstallation of meter, including valving at curb stop	\$30.00	\$45.00
Valve turned on at curb stop	\$25.00	\$40.00

SEC. 9-1-6 WATER LATERAL INSTALLATION CHARGE – CZ-1.

Subdivision developers shall be responsible, where the main extension has been approved by the Utility, for the water service lateral installation costs from the main through the curb stop and box.

When the cost of a utility main extension is to be collected through assessment by the municipality, the actual average water lateral installation costs from the main through the curb stop and box shall be included in the assessment of the appropriate properties.

The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the Utility, for which the actual cost will be charged.

SEC. 9-1-7 PURCHASED WATER ADJUSTMENT CLAUSE.

- (a) The Town of Caledonia Water Utility District No. 1 (Utility) may apply a purchased water adjustment (PWAC) to its water rates set forth under Schedules F-1 and Mg-1 to reflect an increase or decrease in the rates charged by its wholesale water supplier, the Racine Water Works Commission (wholesaler). The adjustment can be made effective on or after the effective date of the wholesaler's rate change. Adjustment under this PWAC which results in an increase cannot be effective until the Utility has filed the proposed change with the Public Service Commission (Commission), and the Commission has accepted the

adjustment for filing. The Utility shall provide notice to its customers of such changes in rates resulting from application of the PWAC.

The Utility must request Commission authorization for a PWAC rate change within 90 days of a change in its wholesale water supplier's change in rates or forfeit all adjustment to its rates under the PWAC until the time of its next rate case.

(b) **Calculation of Adjusted Public Fire Protection Charge - - - F-1**

$$AFP = FP + A$$

Where:

- AFP = Adjusted annual charge for public fire protection to the Town of Caledonia Water Utility District No. 1.
- FP = Present annual charge for public fire protection, including additional unit charges under Utility's F-1 rate.
- A = New wholesale fire protection charge by Racine Water Utility, less current wholesale fire charge.

(c) **Calculation of Adjusted Quarterly Service Charges - - - Mg-1**

$$C = Z \text{ times } (1 + P)$$

$$P = (N - B)/T$$

- Where: C = Adjusted Schedule Mg-1 quarterly retail service charges rounded up to the nearest cent.
- Z = Existing Schedule Mg-I quarterly retail service charges at current rates.
- P = Adjustment factor rounded up to the nearest hundredth of a percent.
- N = New quarterly wholesale service charge.
- B = Current quarterly wholesale service charge.
- T = Total quarterly dollar revenue from quarterly retail service charges per rate Schedule Mg- 1.

(d) **Commodity Charge Adjustment - - - Mg-1**

$$AVBR = VBR + A$$

- Where: AVBR = Adjusted Schedule Mg-1 quarterly retail volume block rates rounded up to the nearest cent.
- VBR = Existing Schedule Mg-t quarterly retail volume block rates.

A = New wholesale volume charge less the current wholesale volume charge.

SEC. 9-1-8 AMENDMENTS TO RATES

From time to time, the rates set forth in Article A may be amended by the Utility under the direction of the Public Service Commission. A copy of the current rate schedule, as contained in the Utility's rate file, may be obtained at the offices of the Utility.

SEC. 9-1-9 THROUGH SEC. 9-1-19 RESERVED FOR FUTURE USE.

ARTICLE B

Rules and Regulations

SEC. 9-1-20 COMPLIANCE WITH RULES.

- (a) All persons now receiving a water supply from the Caledonia Water Utility District No. 1, or who may request service in the future, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin. To the extent that there is any provision in this ordinance that is in conflict with, contradictory to, or inconsistent with any provision in the current rate file or applicable state statutes and/or regulations, the latter shall govern. Any amendments to the Utility's rate file are incorporated herein by reference.
- (b) **Definitions.**
 - (1) "Caledonia Water Utility District No. 1," as used in this Chapter, shall mean the area within the Town of Caledonia which is served with water and will be subjected to fire protection expense.
 - (2) "Utility" as used in this Chapter shall mean the Town of Caledonia.
 - (3) "Superintendent" or "Manager" as used in this Chapter shall mean the official designated as such by the Commissioners of the Caledonia Water Utility District No. 1 to operate the Water Utility.

SEC. 9-1-21 ESTABLISHMENT OF SERVICE.

- (a) Application for water service shall be made in writing on a form furnished by the water Utility. The application will contain the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note particularly any special refrigeration, fire protection, and/or air-conditioning water-consuming appliances.)
- (b) Service will be furnished only if:
 - (1) Premises have a frontage on a properly platted street or public strip in which a cast iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the Utility's filed main extension rule;
 - (2) Property owner has installed or agrees to install a service pipe from the curb line

to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility's specification; and

- (3) Premises have adequate piping beyond metering point.
- (c) The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water Utility customer for the purpose of the filed rules and regulations.
- (d) No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.
- (e) The Utility is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.

SEC. 9-1-22 SERVICE CONTRACT.

- (a) The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of his minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Schedule R-1 for applicable rate.) The minimum contract period is renewed with each reconnection.
- (b) A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop box) because of non-payment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). (See Schedule R-1 for applicable rate.)

A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner of the same business.

SEC. 9-1-23 TEMPORARY METERED SUPPLY, METER AND DEPOSITS.

An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed, as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter . See Schedule BW-1 for applicable rate.

SEC. 9-1-24 WATER FOR CONSTRUCTION.

- (a) When water is requested for construction purposes, or for filling tanks or other such uses,

- (b) an application therefore shall be made to the Utility, in writing, upon application provided for that purpose in the Utility's office, giving a statement of the amount of construction work to be done, or the size of the tank to be filled, etc. Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- (c) In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work, the contractor must return the original permit to the Utility.
- (d) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Department. Any consumer failing to comply with this provision will have water service discontinued.

SEC. 9-1-25 USE OF HYDRANTS FOR CONSTRUCTION; TEMPORARY SUPPLY.

- (a) In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. In no case shall any valve be moved except by a member of the Utility.
- (b) Before a valve is set, payment must be made for its setting and for the water to be used at the scheduled rates. Where applicable, see Schedule BW-1 for deposits and charges. Upon completing use of the hydrant, the customer must notify the Water Utility to that effect.
- (c) In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the sprinkling valve is set, and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have the swing joint to facilitate quick disconnection from the fire hydrant.

SEC. 9-1-26 OPERATION OF VALVES AND HYDRANTS; UNAUTHORIZED USE OF WATER; PENALTY.

Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances. Permits for the use of hydrants apply only to such hydrants as are designated for the specific use.

SEC. 9-1-27 REFUNDS OF MONETARY DEPOSITS.

All monies deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a sprinkling valve wheel or reducer, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

SEC. 9-1-28 SERVICE CONNECTIONS (OR WATER LATERALS).

- (a) No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with an oakum, mastic cement, or other resilient material, and made impervious to moisture.
- (b) In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- (c) All water supplies shall be of undiminished size from the street main into the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously.

SEC. 9-1-29 SERVICE PIPING FOR METER SETTINGS.

- (a) Where the original service piping is installed for a new metered customer, where existing service piping is changed for the customer's convenience, or where a new meter is installed for an existing unmetered customer, the owner of the premises at his/her expense shall provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- (b) No permit will be given to change from metered to flat rate service.

SEC. 9-1-30 TURNING ON WATER.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job, he must leave the water turned off. This does not prevent the plumber from testing the work.

SEC. 9-1-31 FAILURE TO READ METERS.

- (a) Where the Utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be

computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit be given on that bill for the amount of the bill paid the preceding month. Only in unusual cases or when approval is obtained from the customer, shall more than two (2) consecutive estimated bills be rendered.

- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

SEC. 9-1-32 COMPLAINT METER TESTS.

The Utility shall promptly make an accuracy test without charge of any metering installation upon request of the customer if twenty-four (24) months or more have elapsed since the last complaint test of the same meter in the same location. If less than twenty-four (24) months have elapsed, an amount equal to one-half the estimated cost of the meter test shall be advanced to the Utility by the customer. Said amount shall be refunded if the test shows the meter to be over registering by more than 2 percent. A report giving the results of such test shall be made to the customer and a complete original test record shall be kept on file in the office of the Utility. Upon request, the test shall be made in the presence of the customer during normal business hours. See Wis. Adm. Code, Sections PSC 185.61 through 185.78.

SEC. 9-1-33 THAWING FROZEN LATERALS.

- (a) Thawing of a customer's lateral shall be at the Utility's expense if:
 - (1) The freeze-up is a direct result of a utility disconnect and the disconnection occurs during a time when conditions are such that freeze-up could reasonably be expected to occur or;
 - (2) The customer's portion of lateral is electrically conductive and:
 - 1. It is the first thaw for the customer at the location and;
 - 2. The Utility has not provided the customer with seasonal notice of the corrective actions to be taken for a known condition.
- (b) Lateral thawing shall be at the customer's expense if:
 - (1) The customer's lateral is not electrically conductive and the freeze-up is not a direct result of a utility disconnect as set forth in sub. (1)(a) or;
 - (2) The customer neglected to provide or maintain proper insulation or protection for the lateral according to standard accepted practice, or specific utility instructions on, for example, the required depth of burial needed to prevent freezing, or;
 - (3) The Utility advises the customer of the corrective measures to be taken and the customer does not follow the Utility's advice. (See s. PSC 185.35 (7) for bill adjustment where a Utility requests a customer to let water flow to prevent freezing), or;
 - (4) If the Utility disconnects for a dangerous condition.

SEC. 9-1-34 STOP BOXES.

The customer shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the owner's premises.

SEC. 9-1-35 INSTALLATION OF METERS.

Meters will be furnished and placed by the Utility and are not to be disconnected or tampered with by the consumer. All meters shall be so located that they shall be protected from obstructions and permit ready access thereto for reading, inspection, and servicing, such location to be designated or approved by the Utility. All piping within the building must be supplied by the owner. Where additional meters are desired by the owner, the owner shall pay for all piping and an additional amount sufficient to cover the cost of maintenance and depreciation. Where applicable, *see* Schedule Am.-1 for rate. Meters shall be installed within six (6) months of approval by the Utility of an application for water service. For good cause shown, the manager of the Utility may grant an extension of time for the installation of a meter. Any such extension must be in writing, with a copy delivered to the Utility District Commissioners.

SEC. 9-1-36 REPAIRS TO METERS.

- (a) Meters will be repaired by the Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, owner's agent, or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

SEC. 9-1-37 REPLACEMENT AND REPAIR OF SERVICE PIPE.

- (a) Where the property owner requests that a larger service lateral be installed to replace an existing smaller diameter pipe, an allowance of Fifteen Dollars (\$15.00) will be made as a deduction in the cost, providing the new service is to be installed in the same ditch as the existing service pipe.
- (b) The service pipe from the main to and through the curb stop will be maintained and kept in repair and when worn out, replaced at the expense of the Utility. The property owner shall maintain the service pipe from the curb stop to the point of use.
- (c) If an owner fails to repair a leaking or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Utility after notification has been served on the owner by the Utility, the water will be shut off and will not be turned on again until the repairs have been completed.

SEC. 9-1-38 CHARGES FOR WATER WASTED DUE TO LEAKS.

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the customer or, being known, whether the customer had used his best efforts to correct the conditions. If the Superintendent determines that the loss occurred without the customer's knowledge or having known about it the customer had tried to correct the condition, the Utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the customer knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

SEC. 9-1-39 INSPECTION OF PREMISES.

During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. Whenever appropriate, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water.

SEC. 9-1-40 CUSTOMER'S DEPOSITS.

(a) New Residential Service.

- (1) A Utility shall not require a deposit or other guarantee as a condition of new residential service unless a customer has an outstanding account balance with any Wisconsin gas, electric, water, or sewer utility which accrued within the last 6 years and for which there is no agreement or arrangement for payment being honored by the customer, and which at the time of the request for new service remains outstanding and not in dispute. (See s. PSC 185.39.)
- (2) A deposit under this section shall not be required if the customer provides the Utility with information showing that the customer's gross quarterly income is at or below 200% of federal income poverty guidelines.
- (3) A Utility shall inform the customer of the customer's right to enter into a deferred payment agreement for payment of the deposit amount and of the customer's right to appeal any deposit request or amount required under this section to the commission.

(b) Existing Residential Service.

A Utility may require a deposit as a condition of residential service. When the Utility requests a deposit of an existing residential customer, the customer shall be informed of the customer's right to provide a cash deposit, a guarantee, or to establish a deferred payment agreement. The customer shall be given 30 days to provide the deposit, guarantee, or enter into a deferred payment agreement for the deposit amount. A deposit under this section shall not be required if the customer provides the Utility with information showing that the customer's gross quarterly

income is at or below 200% of the federal income poverty guidelines. The Utility may require a deposit if any of the following circumstances apply:

- (1) The Utility has disconnected the customer's service within the last 12-month period for violation of the Utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;
 - (2) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section.
- (c) **New Nonresidential Service.** If the credit of an applicant for nonresidential service has not been established satisfactorily to the Utility, the Utility may require the applicant to post deposit. The Utility shall notify the applicant within 10 days of the request for service as to whether a deposit shall be required. The 10-day period shall begin from the date the applicant provides all information requested under s. PSC 185.33 (18) (a) to the Utility. If no request for a deposit is made within this period, no deposit shall be required, except under the provisions of sub. (d). If a request for a deposit is made, the applicant shall be given at least 30 days to provide payment, or guarantee, or to establish a deferred payment agreement.
- (d) **Existing Nonresidential Service.** The Utility may require an existing nonresidential customer to furnish a deposit if any of the following apply:
- (a) The customer has not made prompt payment of all bills within the last 24 months;
 - (b) The Utility has disconnected the customer's service within the last 12-month period for violation of the Utility's filed rules or for nonpayment of a delinquent service account not currently in dispute;
 - (c) Subsequent credit information indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under this section;
 - (d) When the Utility requests a deposit of an existing customer, the customer shall have 30 days to provide the deposit, guarantee, or to establish a deferred payment agreement.
- (e) **Guarantee Terms and Conditions of Deposit.** *See* Wis. Adm. Code. Chapter PSC 185.36(3) and 185.361(4).
- (f) **Refund of Deposits.** The Utility shall refund the deposit of a residential customer after 12 consecutive months of prompt payment. In the case of a commercial or industrial customer, the Utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment.. Payment shall be considered "prompt" if it is made prior to the time when the Utility could issue a notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the Utility agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer within 30 days of issuing the final bill.
- (g) **Other Conditions of Deposit.** A new or additional deposit may be required upon reasonable written notice of the need therefore if such new or additional deposit could have been required under the circumstances when the initial deposit was

made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit or for failure to pay a delinquent bill or for failure to comply with the terms of a deferred payment agreement and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules shall be paid by the customer as a condition to restoration of service. For additional terms and conditions related to deposits for residential and non-residential service, *see* Wis. Admin. Code, Sections 185.36 and 185.361.

SEC. 9-1-41 DISCONNECTION AND REFUSAL OF SERVICE.

- (a) **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
- (1) Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see s. PSC 185.38);
 - (2) Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served.
 - (3) Failure to pay for an outstanding account balance with the Utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;
 - (4) Failure to comply with deposit or guarantee arrangements as specified in s. PSC 185.36 or 185.361;
 - (5) Diversion of service around the meter;
 - (6) Refusal or failure to permit authorized Utility personnel to read the meter at least once every 4 months where the Utility bills monthly or bimonthly, or at least once every 9 months where the Utility bills quarterly or less frequently than quarterly. The 4- or 9-month period begins with the date of the last meter reading;
 - (7) Refusal or failure to permit authorized Utility personnel access to the base meter;
 - (8) Violation of the Utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of nonstandard equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
 - (9) Failure to comply with Wisconsin statutes, commission rules, or commission orders pertaining to Utility service;
 - (10) Failure to pay costs or fees incurred by and awarded to the Utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the Utility's tariffs filed with the commission;
 - (11) Failure to comply with the Utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;

- (12) Failure of an applicant for Utility service to provide adequate verification of identity and residency, as provided in sub. (5) (a) of Chapter PSC 185.37, Wis. Admin. Code;
 - (13) Failure of an applicant for Utility service to provide the information set forth in ss. PSC 185.33(18) (a), (b) and (c).
- (b) **Disconnection and Refusal of Service.**
- (1) In no circumstances shall the cumulative time before notice of disconnection be less than 20 days after the date of issuance of the bill. An account may be deemed delinquent for the purpose of disconnection after such period has elapsed.
 - (2) At least 10 calendar days prior to disconnection, the Utility shall give a written notice of disconnection upon a form approved by the commission and which conforms to the requirements of sub. (11) of Chapter PSC 185.37, Wis. Admin. Code unless accepted elsewhere.
 - (3) When a customer, either directly or through the commission, disputes a disconnection notice, the Utility shall investigate any disputed issue and shall attempt to resolve that issue. During this investigation, utility service shall not be disconnected over this matter.
 - (4) If a disputed issue cannot be resolved pursuant to s. PSC 185.39 (1), the Utility shall inform the customer of the right to contact the commission.
 - (5) The Utility may disconnect without prior notice where a dangerous condition exists for as long as the condition exists. Upon disconnection, the Utility shall provide a written explanation of the dangerous condition. Service may be discontinued with a written 24-hour notice for non-payment of a bill covering surreptitious use of water.
- (c) **Deferred Payment Agreement.**
- (1) The Utility shall offer deferred payment agreements to residential customers. The deferred payment agreement shall provide that service will not be discontinued for the outstanding bill if the customer pays a stated reasonable amount of the outstanding bill, agrees to pay the remaining outstanding balance in installments until the bill is paid, and agrees to pay the current bill by the due date. In determining what amounts are "reasonable," the parties shall consider the customer's ability to pay, including the following factors:
 - a. Size of the delinquent account.
 - b. Customer's payment history.
 - c. Time that the debt has been outstanding.
 - d. Reasons why the debt has been outstanding.
 - e. Any other relevant factors concerning the circumstances of the customer such as household size, income, and necessary expenses.
 - (2) In the deferred payment agreement it shall state immediately preceding the space provided for the customer's signature and in boldface print at least two (2) sizes larger than any other print using the following:
 - a. You have the right to suggest a different payment agreement;

- b. If you believe the terms of this agreement are unreasonable, DO NOT SIGN IT;
 - c. If you and the Utility cannot agree on terms, you may ask the commission to review the disputed issues;
 - d. If you sign this agreement, you agree that you owe the amount due under the agreement;
 - e. Signing this agreement does not affect your responsibility to pay for your current service. Allowing any bill for current service to become delinquent places you in default of this agreement.
- (3) A delinquent amount, including late payment charges covered by a deferred payment agreement, shall not be subject to an additional late payment charge if the customer meets the payment schedule, including the current bill required by the agreement. A deferred payment agreement shall not include a finance charge.
 - (4) If an applicant for service or current customer has not fulfilled the terms of a deferred payment agreement, and there has not been a significant change in the customer's ability to pay since the agreement was negotiated, the Utility shall have the right to disconnect service or refuse service in accordance with these rules and under such circumstances, it shall not be required to offer subsequent negotiation of a deferred payment agreement prior to disconnection.
 - (5) Any payments made by the customer in compliance with a deferred payment agreement, or otherwise, shall be first considered made in payment of the previous account balance with any remainder credited to the current bill.
 - (6) If a deferred payment agreement cannot be reached because the customer's offer is unacceptable to the Utility, the Utility shall inform the customer in writing why the customer's offer was not acceptable.
- (d) **Dispute Procedures.**
- (1) Whenever the customer disputes the Utility's request for a deposit or other guarantee, or advises the Utility's designated office prior to the disconnection of service that all or any part of any billing as rendered is in dispute, or that any matter related to the disconnection or refusal of service is in dispute, the Utility shall:
 - a. Investigate the dispute promptly and completely;
 - b. Advise the customer of the results of the investigation;
 - c. Attempt to resolve the dispute;
 - d. Provide the opportunity for residential customers, nonresidential customers at Utility discretion, per s. PSC 185.38 (1) to enter into a deferred payment agreement when reasonable in order to resolve the dispute.
 - (2) After the customer has pursued the available remedies with the Utility, the customer may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
 - (3) Additional terms and conditions governing the dispute procedure are set forth in Wis. Admin. Code, Chapter PSC §85.39.

- (e) **Disconnection Notice.** The form of disconnection notice to be used is as follows:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have 8 days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the 8 days allowed to make reasonable deferred payment arrangements, or other suitable arrangements, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) for reconnection, we urge you to pay the full arrears IMMEDIATELY AT ONE OF OUR OFFICES.

If you have entered into a deferred payment agreement with us and have failed to make the deferred payments you agreed to, your service will be subject to disconnection unless you pay the entire amount due within 8 days.

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER, (appropriate telephone number), IMMEDIATELY IF:

1. You dispute the notice of delinquent account.
2. You have a question about your utility service arrears.
3. You are unable to pay the full amount of the bill and are willing to enter into a deferred payment agreement with us.
4. There are any circumstances you think should be taken into consideration before service is discontinued.
5. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed

Wisconsin physician, or a public health official, we will delay disconnection of service up to 21 days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

Deferred Payment Agreements

If, for some reason, you are unable to pay the full amount of the Utility

service arrears on your bill, you may contact the Utility to discuss arrangements to pay the arrears over an extended period of time.

This time payment agreement will require:

1. Payment of a reasonable amount at the time the agreement is made.
2. Payment of the remainder of the outstanding balance in monthly installments over a reasonable length of time.
3. Payment of all future utility service bills in full by the due date.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(UTILITY NAME)

- (5) An amount owed by the customer may be levied as a tax as provided in Section 66.0809, Wisconsin Statutes.

SEC. 9-1-42 SURREPTITIOUS USE OF WATER.

- (a) When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the utility service being delivered, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hours disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:
 - (1) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
 - (2) The consumer will be required to pay the Utility for any and all damages

- (3) to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- (4) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
- (5) Sections 98.26 and 943.20, Wisconsin Statutes, as relating to water service, are hereby adopted and made a part of these rules.

SEC. 9-1-43 VACATION OF PREMISES.

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb valve. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the Utility of vacancy.

SEC. 9-1-44 REPAIRS TO MAINS.

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit, the Utility will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

SEC. 9-1-45 DUTY OF UTILITY WITH RESPECT TO SAFETY OF THE PUBLIC.

It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

SEC. 9-1-46 HANDLING WATER MAINS AND SERVICE PIPES IN SEWER OR OTHER TRENCHES.

Contractors must ascertain for themselves the existence and location of all water mains and service pipes. Where they are removed, cut or damaged during trench excavation, the contractors must at their own expense cause them to be replaced or repaired at once. Contractors must not shut off the water service pipes to any consumer for a period exceeding six (6) hours.

SEC. 9-1-47 SETTLING MAIN OR SERVICE TRENCHES.

Any trenches or excavation in roadways shall be filled and reconstructed in accord with the provisions of Title 14, Chapter 2, of this Code of Ordinances.

SEC. 9-1-48 PROTECTIVE DEVICES.

- (a) **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the

premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, such owner or occupant must protect water-cooled compressors for refrigeration systems by means of high and/or low pressure safety cutout devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.

- (b) **Relief Valve.** On all “closed systems” (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See applicable Town plumbing codes).
- (c) **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall be sized in conformance with the Town’s plumbing code. Where possible, the air chamber should be provided at its base with a valve for water drainage and replenishment of air.

SEC. 9-1-49 CROSS-CONNECTION CONTROL.

- (a) **Definition.** “Cross-connection” shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Caledonia Water Utility District No. 1 (“Utility”) water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) **Prohibition.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the Utility may enter the supply or distribution system of the Utility, unless such private auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.
- (c) **Inspections.** It shall be the duty of the Utility and/or Town Plumbing Inspector to

cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the Utility and as approved by the Wisconsin Department of Natural Resources.

- (d) **Right of Entry.** Upon presentation of credentials, a representative of the Utility and/or Town shall have the right to request entry at any reasonable time to examine any property served by a connection to the Utility's water system for cross-connection. If entry is refused, such representative shall obtain a special inspection warrant under §66.122, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (e) **Discontinuance of Water Service.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Title 4 of the Code of Ordinances of the Town of Caledonia, except as provided in Subsection (f) below. Water services to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this ordinance.
- (f) **Emergency Discontinuance.** If it is determined by the Utility and/or Town that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town of Caledonia and delivered to the customer's premises, services may be immediately discontinued. The customer shall have an opportunity for hearing under Title 4 of the Code of Ordinances of the Town of Caledonia, within 10 days of such emergency discontinuance.
- (g) **Adoption of Plumbing Code.** The Town of Caledonia adopts by reference the State Plumbing Code of Wisconsin being COMM 82, Wisconsin Administrative Code, and any amendments thereto. This ordinance does not supersede the State Plumbing Code and Title 15 of the Town of Caledonia Code of Ordinances, but is supplementary to them.

SEC. 9-1-50 WATER MAIN EXTENSION RULE.

Water mains will be extended for new customers on the following basis:

- (a) Where the cost of the extension is to immediately be collected through assessment by the Utility District against the abutting property, the procedure set forth under Sec. 66.0703 of the Wisconsin Statutes will apply, and no additional customer contribution to the Utility will be required.
- (b) Where the Utility District is unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis as follows:

- (1) The applicant(s) will advance as a contribution in aid of construction in the total amount to that which would have been assessed for all property under Subsection (a).
- (2) Part of the contribution required in Subsection (b)(1) will be refundable. When additional customers are connected to the extended main within twenty (20) years of the date of completion, contributions in aid of construction will be

collected equal to the amount which would have been assessed under Subsection (a) for the abutting property being served. This amount will be refunded to the original contributor(s). In no case will the contributions received from additional customers exceed the proportionate amount which would have been required under Subsection (a) nor will it exceed the total assessable cost of the original extension.

- (3) When a customer connects to a transmission main or connecting loop installed at Utility expense within 20 years of the date of completion, there will be a contribution required of an amount equivalent to that which would have been assessed under (a).

SEC. 9-1-51 WATER MAIN INSTALLATIONS IN PLATTED SUBDIVISIONS.

- (a) Application for installation of water mains in regularly platted real estate development subdivisions shall be filed with the Town Clerk and the manager of the district.
- (b) Upon receipt of the application, the Water Utility will prepare detailed estimates of the cost of extending water mains and hydrants of the size deemed necessary in the subdivision and submit the same to the municipal governing body for approval of the extension as it pertains to public fire protection service requirements.
- (c) If the developer, or a contractor employed by the developer, is to install the water mains (with approval of the Utility), the developer shall be responsible for the total cost of construction.

If the Utility or its contractor is to install the water mains, the developer shall be required to advance to the Utility, prior to the beginning of the construction, the total estimated cost of the extension. If the final costs exceed estimated costs, an additional billing will be made for the balance of the cost due. This balance is to be paid within 30 days. If final costs are less than estimated, a refund of the overpayment will be made by the Water Utility.

SEC 9-1-52. IMPACT FEES.

- (a) **Public Facilities Needs Assessment.** In accordance with Section 66.55(4) of the Wisconsin Statutes, the Town of Caledonia has prepared a needs assessment report regarding selected public facilities for which impact fees may be imposed. A copy of the report "Water and Sewer Needs Assessment Study for the Town of Caledonia" (hereinafter the "Needs Assessment

- Report”) is on file and available for public inspection in the Office of the Town Clerk and made a part of this ordinance by reference. References to public facilities in this section shall be deemed to refer to the water system, including storage, pumping, meter pits, and transmission, to the extent that their inclusion is permitted under Wisconsin Statutes, Section 66.55.
- (b) **Establishment of Service Area.** There is hereby established a geographically defined area which shall be known as the “Service Area” within which it will be necessary to enlarge and improve new or existing public facilities attendant to the Town’s water utility system as a result of land development and growth within the Town. The service area for the water system impact fee is the Caledonia Needs Assessment Study Service Area shown in Appendix A of the Needs Assessment Report.
- (c) **Definitions.** The definitions set forth in Section 66.55(1) of the Wisconsin Statutes, and any amendments thereto, are incorporated and made a part of this ordinance as though fully set forth herein.
- (d) **Collection.** Impact fees shall be collected as follows:
- (1) The Town of Caledonia shall impose a water system impact fee in accord with this ordinance and Section 66.55 of the Wisconsin Statutes.
 - (2) The impact fee for new residential development shall be paid to the Town in full for any residential lot within the Service Area by the developer or property owner on or before the sale of the lot or before a building permit is issued as to the lot, whichever is sooner. The impact fee for commercial, industrial or public development shall be paid to the Town in full for a development within the Service Area by the developer or property owner before a building permit is issued.
 - (3) An impact fee shall also be paid to the Town before to a building permit is issued as to land within the Service Area if the land is converted from existing residential units to create additional residential units, or if additional or larger water meter connections are requested or required for nonresidential lands, or if a building is moved on to such land.
- (e) **Fee Schedule.** The water system impact fee is adopted in the following amount: \$1,311.00 per standard residential equivalent unit (REU).
- (1) The impact fee shall be imposed upon every REU. Each single-family residential unit, whether located within a one-family, multi-family, condominium, cooperative, rental or owner-occupied unit, shall constitute one such REU.
 - (2) Commercial, industrial and public development shall be charged the impact fee according to meter size as follows:

Town of Caledonia REU Ratio			
<u>Meter Size (inches)</u>	<u>Meter Type</u>	<u>Flow (gpm)</u>	<u>REU Ratio</u>
5/8 or less	Displacement	10	1.0
3/4	Displacement	15	1.5
1	Displacement	25	2.5
1-1/2	Displacement	50	5.0
2	Displacement	80	8.0
2	Compound	80	8.0
2	Turbine - CL1	80	8.0
2	Turbine - CL2	100	10.0
3	Compound	160	16.0
3	Turbine - CL1	175	17.5
3	Turbine - CL2	240	24.0
4	Compound	250	25.0
4	Turbine - CL1	300	30.0
4	Turbine - CL2	420	42.0
6	Compound	500	50.0
6	Turbine - CL1	625	62.5
6	Turbine - CL2	920	92.0
8	Compound	800	80.0
8	Turbine - CL1	900	90.0
8	Turbine - CL2	1,600	160.0
10	Compound	1,150	115.0
10	Turbine - CL1	1,450	145.0
10	Turbine - CL2	2,500	250.0
12	Turbine - CL1	2,150	215.0
12	Turbine - CL2	3,300	330.0

Commercial, industrial and public development which is less than 10,000 square feet and without installed sprinkler service, may be charged on a cost per square foot of building space basis, depending on which method results in the greatest financial impact to the water utility. For square foot calculations, a standard REU shall equal 2,500 square feet.

- (f) **Exemptions.** The following shall be exempted from the payment of impact fees provided a claim of exemption shall be made at the time of application for building permit.
- (1) Alterations or expansions of existing buildings, where no additional or larger water meter connections are requested or required and where the use of the property is not changed.
 - (2) The replacement of a building or structure with a new building or structure of the same or less size, where no additional or larger water meter

connections are requested or required and where the use of the property is not changed.

Any claim not so made shall be deemed waived.

- (g) **Low-cost Housing.** No exemption or reduction shall be made on land development that provides for low-cost housing.
- (h) **Separate Fund Established.** The Town shall establish and maintain a segregated, interest-bearing account for each category of impact fees collected by it. All such fees shall be deposited in such funds, which shall be accounted for separately from other funds of the Town. The impact fees and interest earned on impact fees shall be used solely to pay for capital costs for the public water improvements for which the impact fees were imposed.
- (i) **Refund of Fee.** Any impact fees imposed and collected under this ordinance which are not expended or committed for expenditure within twenty (20) years from the date the impact fee was paid shall be refunded to the current property owner upon which said impact fee was imposed. It is determined that twenty (20) years is a reasonable period of time within which to plan, finance and use the funds for the selected public facilities for which the impact fees are imposed.
- (j) **Fee Review.** The fee schedule set forth in this ordinance may be reviewed by the Town Board at any time as a result of change in facility needs, inflation, revised cost estimates, capital improvements, the time needed to complete the improvements, other funding sources, and other relevant factors. The review shall be in accord with the standards for impact fees in Section 66.55(6) of the Wisconsin Statutes.
- (k) **Appeal.** Any person upon whom an impact fee is imposed hereunder, within fifteen (15) days of the imposition of the impact fee, may contest the amount, collection, or use of the impact fee to the Town Board, by filing a written request with the Town Clerk, describing the nature of said appeal, providing supporting documentation, and specifying the basis upon which the appeal is taken. At the next regular Town Board meeting, the Town Board shall hear and decide the appeal. The Clerk shall notify the appealing part of the time and place of the Town Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.
- (l) **Severability.** If any portion of this ordinance is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this ordinance, which shall remain in full force and effect.

SEC 9-1-53. MANDATORY CONNECTION TO WATER MAINS

(a) **Definitions.**

- (1) **Accessory Use or Structure** shall mean a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal structure.
- (2) **Building** shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
- (3) **Land Split** shall have the same meaning as defined in Sec. 14-1-2(c) of this Code of Ordinances.
- (4) **Subdivision** shall have the same meaning as defined in Sec. 14-3-2(x) of this Code of Ordinances.

(b) **Compulsory Connection for New Buildings.**

- (1) **Residential and Agricultural Use.** Any Building in a residential or agricultural zoning district constructed within the boundaries of the Utility District shall connect to a water main at the expense of the Building's owner if any part of the Building is within 500 feet of a water main or the right-of-way in which a water main is located. Mandatory connection is required, regardless of Building distance, for Subdivisions and Land Splits pursuant to Sec. 14-3-4(c)(6) of the Code of Ordinances. Any Building upon a parcel for which a conditional use permit is granted shall comply with the connection requirements of 9-1-53(b)(2) below.
- (2) **Other Use.** A Building zoned for any other purpose that is constructed within the boundaries of the Utility District shall connect to a water main at the expense of the Building's owner if any part of the parcel, upon which the Building is located, is within 500 feet of a water main or the right-of-way in which a water main is located.

(c) **Compulsory Connection for Existing Buildings.**

- (1) **Residential and Agricultural Use.** Any existing Building in a residential or agricultural zoning district and located within the boundaries of the Utility District shall connect to a water main at the expense of the Building's owner if the Building is located within 500 feet of a water main or the right-of-way in which a water main is located, and any of the following apply:
 - (a) The parcel, upon which the Building is located, is rezoned or a conditional use permit is granted;
 - (b) The parcel, upon which the Building is located, is divided pursuant to Title 14 of the Code of Ordinances for the Village of Caledonia; or

- (c) A well serving the existing Building fails or must be abandoned.
- (2) **Other Use.** An existing Building zoned for any other purpose and located within the boundaries of the Utility District shall connect to a water main at the expense of the Building's owner if the parcel, upon which the Building is located, is within 500 feet of a water main or the right-of-way in which a water main is located, and any of the following apply:
 - (a) The parcel, upon which the Building is located, is rezoned or a conditional use permit is granted;
 - (b) The parcel, upon which the Building is located, is divided pursuant to Title 14 of the Code of Ordinances for the Village of Caledonia; or
 - (c) A well serving the existing Building fails or must be abandoned.
- (d) **Time to Connect and Payment of Impact Fee.**

The connection shall be made within six (6) months from the date the owner or occupant of the property receives written notice from the Village or District that a water main is available to serve the property. The applicable impact fee, shall be paid to the Village in accordance with Section 9-1-52 and Wis. Stats. Section 66.0617, as those sections may be amended from time-to-time.
- (e) **Repair and Maintenance.**

The property owner shall be responsible for all repair, replacement, and maintenance costs associated with the lateral from the curb stop to the Building being served.
- (f) **Exemption.**

This section shall not apply to a Building which constitutes an Accessory Use or Structure.
- (g) **Appeals, Modifications or Waivers.**

Any person affected by any decision, action, or determination made pursuant to this section may take an appeal, or seek a modification or waiver, in accordance with Title 4 of the Code of Ordinances. Mandatory connection requirements may be waived by the Village, upon request by the District or the property owner, on a case-by-case basis (e.g., where a water main is extended past existing structures as part of a "water looping" project). The Village may request the District to review any request for a waiver by a property owner and provide the Village with a recommendation, including a report on any impacts of such waiver on the District.

CHAPTER 2

Lake Michigan Storm Sewer Utility District and Root River Storm Sewer Utility District Regulations and Rates

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
9-2-1	Purpose		
9-2-2	Definitions	2000-08	3/21/00
9-2-3	Comprehensive Drainage Plan		
9-2-4	Disruption of Drainage Prohibited		
9-2-5	Drainage Requirements for New Developers		
9-2-6	Drainage Impact Fee	2002-06 <i>Repealed</i> 2009-02	3/26/02 03/17/09
9-2-7	Detention and Retention Facilities		
9-2-8	Preparation of Annual Budget		
9-2-9	Illicit Discharges and Connections	2005-	
9-2-10	Post Construction Storm Water Management Ordinance	2005- 2009-03	3/17/09
9-2-11	Ponds	2005-16	11/15/05

SEC. 9-2-1 PURPOSE.

The purpose of this Chapter is to establish rules and regulations for the Lake Michigan Storm Sewer Utility District and Root River Storm Sewer Utility District, town utility districts, to administer drainage within the boundaries of the Districts.

SEC. 9-2-2 DEFINITIONS.

In this section:

- (a) **Extensive Storm Water Drainage Facilities** means those facilities within a new development or down gradient of a new development which are necessary to accommodate, in their *future* state of development, any lands lying within the development and any lands lying up gradient and within the same drainage basin as the development.
- (b) **Non-extensive Storm Water Drainage Facilities** means those facilities within a new development and down gradient of a new development, which are reasonably necessary to accommodate drainage from any lands in their *present* state lying up gradient and within the same drainage basin as the development and to accommodate the land within the proposed development in its future state of full development.
- (c) **Principal Structure** means a structure used or intended to be used for the principal use as permitted on such lot by the regulations of the zoning district in which it is located.
- (d) **Responsible Person** means the property owner, government agency, or other legally established entity responsible for maintenance of a detention facility.
- (e) **Storm Water Drainage Facilities** means any storm sewer, culvert bridge, ditch, river,

creek, swale, stream, canal, detention or retention basin, pond, lake or stabilization structure utilized to convey/store storm water runoff from one point to another.

- (f) **Drainage System** means any Storm Water Drainage Facility and other means of conveying storm water run-off, natural or-artificial, public or private from one point to another.

SEC. 9-2-3 COMPREHENSIVE DRAINAGE PLAN.

- (a) The Town of Caledonia Comprehensive Drainage Plan, adopted by the Town Board on July 7, 1977, shall be used by the Commission as the guide for the design and construction of drainage facilities within the Districts.
- (b) The Town and the Commission shall have the responsibility of interpreting and applying the Comprehensive Drainage Plan in the course of reviewing and approving any plan submitted under this chapter. The Town and the Commission may vary the Plan if, in their judgment, it is necessary for the proper drainage of the property under review or of lands in the vicinity of the property under review.

SEC. 9-2-4 DISRUPTION OF DRAINAGE PROHIBITED.

- (a) It shall be unlawful for any person, firm, corporation or public utility to fill or obstruct any ditch alongside a Town road, any drainage easement or any creek, stream, river, canal or drainage system within the Districts with dirt, debris or obstruction without prior written approval of the Town Engineer or his/her designee.
- (b) It shall be unlawful for any person, firm, corporation or public utility to landscape, cultivate, plow or remove soil from their property within the Districts in such manner as to obstruct or fill any Town ditch, drainage easement, creek, stream, river, canal or drainage system without prior written approval of the Town Engineer or his/her designee.
- (c) Any person, firm, corporation or public utility who fills or obstructs or causes to be filled or obstructed any Town ditch, drainage easement, creek, stream, river, canal or drainage system within the Districts in violation of subsections (a) and (b) above shall, on written order from the Town Engineer, correct such violation and restore the affected area at his/her own expense. If corrective and restorative action is not commenced within ten (10) days after receipt of such written order, or is not completed within such reasonable time as the Town Engineer shall specify in writing, the Town Engineer shall notify the Commission of the violation, and the Commission may proceed with such work and charge the costs of the work to the violator, to be collected through legal action or the levying of a special assessment or charge as provided in §66.0627, Wis. Stats.
- (d) Failure to comply with the provisions of this section may constitute a public nuisance.
- (e) Any person, firm, corporation or public utility violating the terms of this section shall be guilty of a violation and upon adjudication shall be subject to a forfeiture of not less than \$100 nor more than \$500, plus the costs of prosecution and, in default of payment thereof, shall be subject to imprisonment in the County Jail for not less than ten (10) days nor more than thirty (30) days.

SEC. 9-2-5 DRAINAGE REQUIREMENTS FOR NEW DEVELOPMENTS.

(a) **General Requirements.**

- (1) Prior to approval of a subdivision or condominium plat, certified survey map, conditional use or building permit, the Town Board shall require a developer to:
 - a. Agree to construct and install such storm water drainage facilities as are determined by the Commission to be reasonably necessary to provide for the ultimate drainage of, through and from the subdivision or development to a proper drainage outlet.
 - b. Prevent the flooding or saturation of lands within or adjacent to the subdivision or development. Such improvements may include the relocation of existing drainage courses or facilities which are disrupted by the subdivision or development.
- (2) At a minimum, the developer, at his/her cost, shall be required to install non-extensive storm water drainage facilities for the lot, subdivision or development. If deemed necessary, the Commission may require the developer to install extensive storm water drainage facilities.
- (3) These requirements are in addition to those set forth below in Section 9-2-10. Where any provision in this chapter imposes requirements different from those imposed by any other ordinance, rule, or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(b) **Plans and Specifications.** A developer requesting approval of a subdivision, condominium plat, certified survey map, conditional use or building permit, shall submit to the Commission for its approval, acceptable site grading and drainage plans, specifications and computations. Such plans, specifications and computations, shall conform to the provisions of Title 14 of the Code of Ordinances.

(c) **Developer's Liability.** The developer shall be liable for all costs related to site grading and storm water drainage. Such costs shall include, but not be limited to: materials, labor, engineering, inspections, permit fees, plan review, adjustment or relocation of utilities, insurance, legal fees and sureties. All construction work shall conform to the provisions of Title 14 of the Code of Ordinances and the approved development plans and specifications.

SEC. 9-2-6 REPEALED.

SEC. 9-2-7 DETENTION AND RETENTION FACILITIES.

(a) **Requirement.**

- (1) The Districts shall require a developer to provide detention of storm water for all areas to be disturbed, unless tributary to an existing regional storm water facility that can accommodate the development's increased flow. Storm water conveyance through a development shall accommodate up gradient flows.

- (2) Detention facilities shall be designed and shall conform to the requirements of Title 14 of the Code of Ordinances. Detention facilities must be sized for developed conditions to impound storm water during the 100-year recurrence interval storm within a maximum release rate designed as follows:

DETENTION BASIN DESIGN CRITERIA

<u>Storm Event Inflow (Post-Development Conditions)</u>	<u>Storm Event Outflow Limit (Pre-Development Conditions)</u>
2	2
5	2
10	2
25	5
50	10
100	25

- (3) Lands which contribute storm water runoff to the basin shall be assumed to be fully developed in their future state as shown on the Racine County Zoning Map. The Commission's interpretation of necessary design criteria shall be the standard for the design for all detention facilities.

(b) **Construction.**

- (1) All detention facilities shall be constructed pursuant to Title 14 of the Code of Ordinances. The Commission shall specify appropriate storm drainage control measures to be used during construction.
- (2) The standards for completed projects shall also apply to periods of construction, whenever possible. Failure to adequately provide for storm drainage control measures shall be sufficient reason to deny the application.
- (3) Any detention facility constructed shall be regularly maintained in order to preserve its function, capacity and appearance. Minimum standards for maintenance shall be as follows:
- a. All grass or other ground cover in the basin shall be kept mowed or otherwise cut so as not to exceed a height of 8 inches at any time. The facility shall be kept clean and free of debris, litter, leaves and foreign material of any kind.
 - b. All inlet and outlet structures, spillways and other appurtenances shall, at all times, be kept free of any debris or foreign material in order to prevent clogging or reduction in performance.
 - c. An emergency overflow spillway shall be provided on all ponds, enabling safe discharge of stormwater flow during extreme flooding conditions without causing damage to adjacent downstream structures.
 - d. All embankments, inlet and outlet structures, gate valves, dams and other lateral supports shall be kept in sound condition at all times.

- e. Any fence installed around the perimeter of the facility shall be maintained in sound condition and shall be repaired or replaced whenever needed. "No Trespassing" signs shall be installed around the perimeter of the basin.
 - f. The facility shall be kept free of water pollutants, excessive or unhealthy insect growth, algae growth or evidence of any other significant health risk.
 - g. The original storage capacity of the facility shall be permanently maintained.
 - h. The perimeter of the facility shall be kept reasonably free of erosion.
 - i. In the case of dry facilities, all subsurface tile drainage systems shall be kept in good operation conditions so as to adequately drain the basin and soils lying immediately beneath the surface within a reasonable length of time following a heavy rain.
- (4) Responsibility for operation and maintenance of detention facilities, including periodic removal and disposal of accumulated particulate material and debris shall remain with the owner, unless assumed by a governmental agency. If portions of the land are sold, legally binding agreements shall pass the responsibility to successors in title. Such agreements shall deem the "responsible person" to be the property owner, governmental agency or other legally established entity responsible for maintenance.

(c) **Ownership and Maintenance.**

- (1) Prior to the approval of a plan for development containing a proposed detention basin, the Commission shall determine whether the facility shall be publicly owned and maintained by a governmental agency or privately owned and maintained by the developer and any successors in title.
- (2) Prior to granting approval of any project containing any detention facility, the applicant shall enter into an agreement with the Commission and the Town to ensure the continued operation and maintenance of the detention facility. The agreement shall be in a form satisfactory to the Commission and the Town, and may include, but not be limited to, personal guarantees, deed restrictions, covenants and bonds. In cases where property is subdivided and sold separately, the Commission and the Town may approve a homeowner's association or similar permanent entity to be designated as the "responsible person".
- (3) In the event that any such detention facility becomes a danger to public health or safety or is in need of maintenance, the Commission shall notify the "responsible person" in writing. The "responsible person shall have 30 days from the date of the notice to complete the maintenance and repair of the facility in a manner approved of by the Commission or, if deemed necessary by the Commission, a shorter period of time as the Commission shall specify in the notice. If the "responsible person" fails or refuses to perform such maintenance and repair within the time period, the Commission may immediately proceed to do so and charge the cost to the

“responsible person”. If the charges are not paid within six (6) months, the unpaid amount shall be prorated among and charged as, additional real estate taxes against the properties to the “responsible person” as specified in sub. 2., which shall constitute a lien on the real properties, the same as other real estate taxes.

SEC. 9-2-8 PREPARATION OF ANNUAL BUDGET

- (a) The Commission shall adhere to the provisions of s. 65.90, Wis. Stats. when formulating the annual operating budget for the Districts, to ensure that the budget provides an accurate, detailed representation of the Districts’ cash flow.
- (b) All expenditures of the Districts shall be specified in the operating budget which shall include, but not be limited to, the following:
 - (1) Capital projects under the Districts’ jurisdiction, including the title, scope and annual cost of each project.
 - (2) The cost of all public works and maintenance projects.
 - (3) All debt service.
 - (4) Any other District expenditures.
- (c) All revenues and receipts shall be specified in the operating budget which shall include, but not be limited to, the following:
 - (1) Taxes.
 - (2) Special assessments.
 - (3) Impact and/or drainage fees.
 - (4) Investment income.
 - (5) Any other revenue.
- (d) The Districts’ proposed budget shall be submitted to the Town Chair for review and submittal to the Town Board for approval, at least thirty (30) days prior to the adoption of the Town's annual budget.

SEC. 9-2-9 ILLICIT DISCHARGES AND CONNECTIONS

- (a) **DEFINITIONS.** The following definitions shall be applicable in this Section:
 - (1) **ILLICIT CONNECTION:** Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter a Municipal Separate Storm Sewer and any connections to a Municipal Separate Storm Sewer from indoor drains and sinks.
 - (2) **ILLICIT DISCHARGE:** Any discharge to a Municipal Separate Storm Sewer or the Waters of the State that is not composed entirely of storm water, unless exempted below. Any such Illicit Discharge is a public nuisance.
 - (3) **MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4):** A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, retention or detention basins, constructed channels or storm drains, which meets the following criteria:
 - (a) Owned or operated by a municipality.

- (b) Designed or used for collecting or conveying storm water.
 - (c) Which is not a combined sewer conveying both sanitary or storm water.
 - (d) Which is not part of a publicly owned wastewater treatment works which provides secondary or more stringent treatment.
- (4) PERSON: An owner, operator, individual, association, organization, partnership, firm, corporation municipality, interstate agency, state agency, federal agency, or other entity recognized by law and acting as either the owner or as the owner's agent.
- (5) STORM WATER: Storm water runoff, snow or ice melt runoff, and surface runoff and drainage.
- (6) WPDES: Wisconsin pollutant discharge elimination system.
- (7) WATERS OF THE STATE: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- (b) **DISCHARGES PROHIBITED.** No person shall cause an Illicit Discharge to a Municipal Separate Storm Sewer or the Waters of the State.
- (c) **CONNECTIONS PROHIBITED.** The construction, use, maintenance or continued existence of an Illicit Connection to a Municipal Separate Storm Sewer is prohibited. This prohibition expressly includes, without limitation, an Illicit Connection made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practice applicable or prevailing at the time of connection.
- (d) **EXEMPTIONS.** The following non-storm water discharges or flows are not considered Illicit Discharges:
- (1) Discharges authorized by a WPDES permit.
 - (2) Discharges resulting from firefighting activities.
 - (3) Water line flushing, landscape irrigation, diverted stream flows, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, roof drains, sump pumps, air conditioning condensation, irrigation water, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool water and street wash water.
- (e) **ENFORCEMENT.**
- (1) Any person violating any provision of this Section shall, upon conviction of such violation, be subject to the general penalties set forth in Section 1-1-6 of the Town's Code of Ordinances.
 - (2) Whenever the District or Town finds a person has violated a prohibition or failed to meet a requirement of this Section, the District or Town may order compliance by written notice of violation to the responsible person. Enforcement action under this subsection may be in addition to

prosecution under subsection (1) above. Such notice may require without limitation:

- a. The elimination of an Illicit Connection or Discharge;
 - b. That violating discharges, practices, or operations shall cease and desist;
 - c. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - d. In the event the person fails to eliminate an Illicit Connection or Discharge, fails to cease and desist in discharge, practices or operations in violation of this Section or fails to abate or remediate the storm water pollution or contamination hazards, that person may be subject to forfeiture of not less than \$50.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (3) In addition to enforcement under subsection (1) or (2) above, the District or Town may abate the public nuisance created by the Illicit Connection or Discharge in accordance with Title 11, Chapter 6 of the Town's Code of Ordinances.

SEC. 9-2-10 POST CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE

- Section (a) Authority
- Section (b) Findings of Fact
- Section (c) Purpose and Intent
 - (1) Purpose
 - (2) Intent
- Section (d) Applicability and Jurisdiction
 - (1) Applicability
 - (2) Jurisdiction
 - (3) Exclusions
- Section (e) Definitions
- Section (f) Technical Standards
- Section (g) Performance Standards
 - (1) Responsible Party
 - (2) Plan
 - (3) Requirements
 - a. Base Level Standards for Total Suspended Solids
 - b. Stream Protection Standards for Total Suspended Solids
 - c. Base Level Standards for Discharge Rates
 - d. Stream Protection Standards for Discharge Rates
 - e. Infiltration
 - f. Protective Areas
 - g. Fueling and Maintenance Areas

- h. Swale Treatment for Transportation Facilities
- i. Detention Pond Design
- j. Storm Water Landscaping
- k. Storm Water Maintenance
- (4) General Consideration for On–Site and Off–Site Storm Water Management Measures
- (5) Location and Regional Treatment Option
- (6) Storm Water Management Credits
- (7) Alternate Requirements
- Section (h) Permitting Requirements, Procedures and Fees
 - (1) Permit Required
 - (2) Permit Application and Fees
 - (3) Review and Approval of Permit Application
 - (4) Permit Requirements
 - (5) Permit Conditions
 - (6) Permit Duration
- Section (i) Storm Water Management Plan
 - (1) Plan Requirements
 - (2) Alternate Requirements
- Section (j) Maintenance Agreement
 - (1) Maintenance Agreement Required
 - (2) Agreement Provisions
- Section (k) Financial Guarantee
 - (1) Establishment of the Guarantee
 - (2) Conditions for Release
- Section (l) Fee Schedule
- Section (m) Enforcement
- Section (n) Appeals
- Section (o) Severability
- Section (p) Effective Date

(a) **Authority.**

- (1) This ordinance is adopted by the Village Board under the authority granted by Sec. 61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under Sec. 61.354, Wis. Stats., that relate to storm water management regulations. Sec. 61.354, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.
- (3) The Village Board hereby designates the Village Engineer to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre–empt more stringent storm water management requirements that may be imposed by any of the following:

- a. Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under s. 281.16 and 283.33, Wis. Stats.
 - b. Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Sec. NR 151.004, Wis. Adm. Code.
- (b) **Findings of Fact.** The Village Board finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:
- (1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.
 - (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.
 - (3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
 - (4) Reduce the quality of groundwater by increasing pollutant loading.
 - (5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
 - (6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
 - (7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (c) **Purpose and Intent.**
- (1) **Purpose.** The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:
 - a. Further the maintenance of safe and healthful conditions.
 - b. Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
 - c. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - (2) **Intent.** It is the intent of the Village Board that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village Board recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the

preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under Sec. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Village Board, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

(d) **Applicability and Jurisdiction.**

(1) **Applicability.**

- a. Where not otherwise limited by law, this ordinance applies to any of the following, unless otherwise exempt under paragraph (d)(1)b.
 1. Land disturbing construction activity that involves an increase of 1/2 acre (21,780 square feet) or more of impervious surface but less than one (1) acre of land disturbing construction activity (43,560 square feet) shall be subject to discharge quantity standards only;
 2. Both discharge quantity and quality standards shall apply to any land disturbing construction activity which disturbs one (1) or more acres (43,560 square feet) regardless of the amount of additional impervious surface created;
 3. Discharge quantity standards will apply to phased developments if the cumulative amount of new impervious surface is 1/2 acre (21,780 square feet) or more, even if the individual components of a development each create less than 1/2 acre of impervious surface; both discharge quantity and quality standards will apply if the cumulative amount of land disturbing construction activity disturbs one (1) or more acres (43,560 square feet), even if the individual components of a development each disturb less than one (1) acre of land;
 4. Land disturbing construction activity of any size that, in the opinion of the Village Engineer, is likely to result in storm water runoff which exceeds the safe capacity of existing drainage facilities, storage facilities, a receiving body of water or receiving surface waters, which may cause surcharging and increase flooding risks, which causes undue channel erosion, increases water pollution by scouring or the transportation of particulate matter, or endangers downstream property, public safety or surface water, shall be subject to discharge quantity and quality standards.
- b. A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.
 1. A redevelopment post-construction site with no increase in exposed parking lots or roads.

2. A post–construction site with less than 10% connected imperviousness based on complete development of the post–construction site, provided the cumulative area of all parking lots and rooftops is less than one (1) acre.
 3. Nonpoint discharges from agricultural facilities and practices.
 4. Nonpoint discharges from silviculture activities.
 5. Routine maintenance for project sites under one (1) acre of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.
 6. Underground utility construction such as water, sewer and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction.
- (2) **Jurisdiction.** This ordinance applies to post construction sites within the boundaries and jurisdiction of the Village of Caledonia, as well as, to the extent applicable, the extraterritorial division of land subject to an ordinance enacted pursuant to Sec. 236.45(2) and (3) Wis. Stats. and all lands located within the extraterritorial plat approval jurisdiction of the Village of Caledonia, even if plat approval is not involved.
- (3) **Exclusions.** This ordinance is not applicable to activities conducted by a state agency, as defined under Sec. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under Sec. 281.33 (2), Wis. Stats.

Note to Users: The Wisconsin Department of Transportation (WisDOT) has entered into a memorandum of understanding with the Wisconsin Department of Natural Resources that satisfies Sec. 281.33 (2), Wis. Stats., such that activities directed and supervised by WisDOT are exempt from this ordinance.

(e) **Definitions.**

- (1) **“Administering authority”** means a governmental employee, or a regional planning commission empowered under Sec. 61.354, Wis. Stats., that is designated by the Village Board to administer this ordinance.
- (2) **“Agricultural facilities and practices”** has the meaning given in Sec. 281.16, Wis. Stats.
- (3) **“Average annual rainfall”** means a calendar year of precipitation, excluding snow, which is considered typical.
- (4) **“Best management practice”** or **“BMP”** means structural or non–structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.
- (5) **“Business day”** means a day the office of the Village Engineer is routinely and customarily open for business.
- (6) **“Cease and desist order”** means a court–issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) **“Combined sewer system”** means a system for conveying both sanitary sewage and storm water runoff.

- (8) **“Connected imperviousness”** means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (9) **“Design storm”** means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (10) **“Development”** means residential, commercial, industrial or institutional land uses and associated roads.
- (11) **“Division of land”** means the creation from one parcel of two or more parcels or building sites where such creation occurs at one time or through the successive partition within a 5 year period.
- (12) **“Effective infiltration area”** means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (13) **“Erosion”** means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (14) **“Exceptional resource waters”** means waters listed in Sec. NR 102.11, Wis. Adm. Code.
- (15) **“Extraterritorial”** means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (16) **“Final stabilization”** means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (17) **“Financial guarantee”** means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village Engineer by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (18) **“Governing body”** means the Village board of trustees.
- (19) **“Impervious surface”** means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.
- (20) **“In-fill area”** means an undeveloped area of land located within existing development.
- (21) **“Infiltration”** means the entry of precipitation or runoff into or through the soil.
- (22) **“Infiltration system”** means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

- (23) **“Karst feature”** means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.
- (24) **“Land disturbing construction activity”** means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.
- (25) **“Maintenance agreement”** means a legal document that provides for long-term maintenance of storm water management practices.
- (26) **“MEP”** or **“maximum extent practicable”** means a level of implementing best management practices in order to achieve a performance standard specified in this ordinance which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.
- (27) **“New development”** means development resulting from the conversion of previously undeveloped land or agricultural land uses.
- (28) **“Off-site”** means located outside the property boundary described in the permit application.
- (29) **“On-site”** means located within the property boundary described in the permit application.
- (30) **“Ordinary high-water mark”** has the meaning given in Sec. NR 115.03(6), Wis. Adm. Code.
- (31) **“Outstanding resource waters”** means waters listed in Sec. NR 102.10, Wis. Adm. Code.
- (32) **“Percent fines”** means the percentage of a given sample of soil, which passes through a # 200 sieve.

Note to Users: Percent fines can be determined using the “American Society for Testing and Materials”, volume 04.02, “Test Method C117-95 Standard Test Method for Materials Finer than 75- um (No.200) Sieve in Material Aggregates by Washing”. Copies can be obtained by contacting the American society for testing and materials, 100 Barr Harbor Drive, Conshohocken, PA 19428-2959, or phone 610-832-9585, or on line at: “<http://www.astm.org/>”.

- (33) **“Performance standard”** means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (34) **“Permit”** means a written authorization made by the Village Engineer to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

- (35) **“Permit administration fee”** means a sum of money paid to the Village Engineer by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (36) **“Pervious surface”** means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (37) **“Pollutant”** has the meaning given in Sec. 283.01(13), Wis. Stats.
- (38) **“Pollution”** has the meaning given in Sec. 281.01(14), Wis. Stats.
- (39) **“Post–construction site”** means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (40) **“Pre–development condition”** means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.
- (41) **“Preventive action limit”** has the meaning given in Sec. NR 140.05(17), Wis. Adm. Code.
- (42) **“Redevelopment”** means areas where development is replacing older development.
- (43) **“Responsible party”** means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post–construction storm water BMPS.
- (44) **“Runoff”** means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.
- (45) **“Separate storm sewer”** means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:
 - a. Is designed or used for collecting water or conveying runoff.
 - b. Is not part of a combined sewer system.
 - c. Is not draining to a storm water treatment device or system.
 - d. Discharges directly or indirectly to waters of the state.
- (46) **“Site”** means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.
- (47) **“Stop work order”** means an order issued by the Village Engineer which requires that all construction activity on the site be stopped.
- (48) **“Storm water management plan”** means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has under gone final stabilization following completion of the construction activity.
- (49) **“Storm water management system plan”** is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

- (50) **“Technical standard”** means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
 - (51) **“Top of the channel”** means an edge, or point on the landscape, landward from the ordinary high–water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high–water mark, the top of the channel is the ordinary high–water mark.
 - (52) **“TR–55”** means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.
 - (53) **“Type II distribution”** means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.
 - (54) **“Waters of the state”** has the meaning given in Sec. 281.01 (18), Wis. Stats.
- (f) **Technical Standards.** The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:
- (1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.
 - (2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Village Engineer.
 - (3) In this ordinance, the following year and location has been selected as average annual rainfall; Milwaukee, 1969 (Mar. 28–Dec. 6).
- (g) **Performance Standards.**
- (1) **Responsible Party.** The responsible party shall implement a post–construction storm water management plan that incorporates the requirements of this section.
 - (2) **Plan.** A written storm water management plan in accordance with Section (i) shall be developed and implemented for each post–construction site.
 - (3) **Requirements.** The plan required under sub. (2) shall include the following:
 - a. **Base Level Standards for Total Suspended Solids.** All developments shall be subject to and in compliance with the following Base Level Standards for total suspended solids. Compliance with Base Level Standards for total suspended solids shall be achieved through the construction and use of BMPs that are designed, installed and maintained to control total suspended solids carried in runoff from the post–construction site.

Note to Users: These two standards are applied according to the watershed in which the development takes place. In case where a development straddles two watersheds with differing discharge limit standards, the watershed with the more restrictive limits shall govern.

1. For new development, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
2. For redevelopment, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on the average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
3. For in-fill development under 5 acres that occurs within 10 years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 40%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed a 40% total suspended solids reduction to meet the requirements of this subdivision.
4. For in-fill development that occurs 10 or more years after October 1, 2002, by design, reduce to the maximum extent practicable, the total suspended solids load by 80%, based on an average annual rainfall, as compared to no runoff management controls. No person shall be required to exceed an 80% total suspended solids reduction to meet the requirements of this subdivision.
5. Notwithstanding subds. 1. to 4., if the design cannot achieve the applicable total suspended solids reduction specified, the storm water management plan shall include a written and site-specific explanation why that level of reduction is not attained and the total suspended solids load shall be reduced to the maximum extent practicable.

Note to Users: Pollutant loading models such as SLAMM, P8 or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids.

b. **Stream Protection Standards for Total Suspended Solids.**

1. The Stream Protection Standards for total suspended solids apply to developments greater than 15 acres that are located in and around the Hoods Creek and portions of the Root River watersheds, referred to as the “**Stream Protection Area**”. The following neighborhoods, with boundaries that are defined in the November, 2006 Village of Caledonia Land Use Plan, shall be the Stream Protection Area:

- i. W-1 (Franksville) Neighborhood
 - ii. W-2 (Highway K/I-94) Neighborhood
 - iii. C-4 (Johnson Park) Neighborhood
 - iv. C-5 (Country Lots) Neighborhood
2. The Stream Protection Standards for total suspended solids shall include compliance with all of the Base Level Standards for total suspended solids described above and at least one BMP from the following list that is designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site. All proposed BMPs are subject to preliminary and final approval of all designs, plans, maintenance requirements and calculations by the Village Engineer prior to construction or adoption of the BMP.
- i. **Maintaining predevelopment hydrology**

This BMP consists of maintaining the site's predevelopment hydrology. It requires a demonstrated effort to control total imperviousness to minimize the change in the post development curve number and runoff, and to maintain the predevelopment time of concentration.
 - ii. **Constructing Wetland Storm Water Systems**

This BMP shall consist of construction of an enhanced wet detention basin. All wet detention basins in the Stream Protection Area shall be designed, constructed, and maintained as constructed wetlands. Constructed wetlands are typically engineered systems that use natural processes involving wetland vegetation, soils, and their associated microbial assemblages to assist, at least partially, in treating an effluent or other source of water. Extensive design guidance for the design, siting, and construction of constructed wetlands is available from University of Wisconsin Extension (Wisconsin Storm Water Manual: Artificial Wetland Storm Water Management Systems, Publication G-3691-5) and the US EPA (National Management Measures to Protect and Restore Wetlands and Riparian Areas for the Abatement of Nonpoint Source Pollution).
 - iii. **Constructing Natural Habitat Enhancements**

This BMP shall consist of management and construction of improvements to enhance the existing natural resources at the property. The developer shall, when site conditions are suitable, construct management and improvement plans that

will enhance existing natural resources at the property. Streams, stream buffers, environmental corridors, woodlands and forests, prairie, floodlands, shorelands, ravines, wetlands, would qualify for an enhancement plan prepared by a licensed engineer and scientific experts as applicable. The natural habitat enhancement plans shall follow the format provided for in the Stewardship Plan required as part of the Conservation Subdivision Ordinance of the Village of Caledonia.

Note to Users: The proposed enhancements, improvements, operations, and maintenance (if any) are subject to review by the Village Engineer prior to final design and plan proposal.

- c. **Base Level Standards for Discharge Rates.** All developments shall be subject to and in compliance with the following Base Level Standards for discharge rates.
 - 1. The 100-year post-development peak runoff discharge shall not exceed the most restrictive of the following standards:
 - i. 10-year predevelopment peak runoff discharge, or
 - ii. Maximum hydraulic capacity of existing downstream conveyance facilities as determined by the Village.
 - 2. The post-development runoff discharges for storms up to and including the 10-year shall not exceed the 2-year predevelopment peak runoff discharge.

Note to Users: These two standards are applied according to the watershed in which the development takes place. In case where a development straddles two watersheds with differing discharge limit standards, the watershed with the more restrictive limits will govern.

- d. **Stream Protection Standards for Discharge Rates.**
 - 1. Stream Protection Standards for discharge rates shall apply to developments greater than 15 acres in area that are located in and around the Hoods Creek and portions of the Root River watersheds, referred to as the “**Stream Protection Area**”. The following neighborhoods, with boundaries that are defined in the November, 2006 Village of Caledonia Land Use Plan, make up the Stream Protection Area:
 - i. W-1 (Franksville) Neighborhood
 - ii. W-2 (Highway K/I-94) Neighborhood
 - iii. C-4 (Johnson Park) Neighborhood
 - iv. C-5 (Country Lots) Neighborhood
 - 2. The Stream Protection Standards for Discharge Rates are as follows. The 100-year post-development peak runoff discharge shall not exceed the most restrictive of the following standards:

- i. 2-year predevelopment peak runoff discharge, or
 - ii. Maximum hydraulic capacity of existing downstream conveyance facilities as determined by the Village.
 - 3 The post-development runoff discharges for storms up to and including the 25-year shall not exceed the 2-year predevelopment peak runoff discharge.
- e. **Infiltration.** BMPs in all developments shall be designed, installed, and maintained to infiltrate runoff to the maximum extent practicable in accordance with the following, except as provided in subds. 5. through 8.
 1. For residential developments one of the following shall be met:
 - i. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
 - ii. Infiltrate 25% of the post-development runoff from the 2 year –24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 1% of the project site is required as an effective infiltration area.
 2. For non-residential development, including commercial, industrial and institutional development, one of the following shall be met:
 - i. Infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60% of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 2% of the project site is required as an effective infiltration area.
 - ii. Infiltrate 10% of the runoff from the 2 year – 24 hour design storm with a type II distribution. Separate curve numbers for pervious and impervious surfaces shall be used to calculate runoff volumes, and not composite curve numbers as defined in TR-55. However, when designing appropriate infiltration systems to meet this requirement, no more than 2%

of the project site is required as an effective infiltration area.

3. Pre-development condition shall be the same as in par. (g)(3)c&d.

Note to Users: A model that calculates runoff volume, such as SLAMM, P8, or an equivalent methodology may be used.

4. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with subd. (g)(3)(e)8. Pretreatment options may include, but are not limited to, oil/grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

Note to Users: To achieve the infiltration requirement for the parking lots or roads, maximum extent practicable should not be interpreted to require significant topography changes that create an excessive financial burden. To minimize potential groundwater impacts, it is desirable to infiltrate the cleanest runoff. To achieve this, a design may propose greater infiltration of runoff from low pollutant sources such as roofs, and less from higher pollutant source areas such as parking lots.

5. Exclusions. The runoff from the following areas are prohibited from meeting the requirements of this paragraph:
 - i. Areas associated with tier 1 industrial facilities identified in Sec. NR 216.21(2)(a), Wis. Adm. Code, including storage, loading, rooftop and parking.
 - ii. Storage and loading areas of tier 2 industrial facilities identified in Sec. NR 216.21(2)(b), Wis. Adm. Code.

Note to Users: Runoff from tier 2 parking and rooftop areas may be infiltrated but may require pretreatment.

- iii. Fueling and vehicle maintenance areas.
- iv. Areas within 1000 feet upgradient or within 100 feet downgradient of karst features.
- v. Areas with less than 3 feet separation distance from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock, except this subd. 5.v. does not prohibit infiltration of roof runoff.
- vi. Areas with runoff from industrial, commercial and institutional parking lots and roads and residential arterial roads with less than 5 feet separation distance from the bottom of the infiltration system to

- the elevation of seasonal high groundwater or the top of bedrock.
- vii. Areas within 400 feet of a community water system well as specified in Sec. NR 811.16(4), Wis. Adm. Code, or within 100 feet of a private well as specified in Sec. NR 812.08(4), Wis. Adm. Code, for runoff infiltrated from commercial, industrial and institutional land uses or regional devices for residential development.
 - viii. Areas where contaminants of concern, as defined in Sec. NR 720.03(2), Wis. Adm. Code are present in the soil through which infiltration will occur.
 - ix. Any area where the soil does not exhibit one of the following soil characteristics between the bottom of the infiltration system and the seasonal high groundwater and top of bedrock: at least a 3-foot soil layer with 20% fines or greater; or at least a 5-foot soil layer with 10 percent fines or greater. This does not apply where the soil medium within the infiltration system provides an equivalent level of protection. This subd. 5.i. does not prohibit infiltration of roof runoff.

Note to Users: The areas listed in subd. 5 are prohibited from infiltrating runoff due to the potential for groundwater contamination.

- 6. Exemptions. The following are not required to meet the requirements of this paragraph:
 - i. Areas where the infiltration rate of the soil is less than 0.6 inches/hour measured at the site.
 - ii. Parking areas and access roads less than 5,000 square feet for commercial and industrial development.
 - iii. Redevelopment post-construction sites.
 - iv. In-fill development areas less than 1 acre.
 - v. Infiltration areas during periods when the soil on the site is frozen.
 - vi. Roads in commercial, industrial and institutional land uses, and arterial residential roads.
- 7. Where alternate uses of runoff are employed, such as for toilet flushing, laundry or irrigation, such alternate use shall be given equal credit toward the infiltration volume required by this paragraph.
- 8. a. Infiltration systems designed in accordance with this paragraph shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action

limit at a point of standards application in accordance with ch. NR 140, Wis. Adm. Code. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

- b. Notwithstanding subd. par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

f. **Protective Areas.**

- 1. **“Protective area”** means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this paragraph, “protective area” does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.
 - i. For outstanding resource waters and exceptional resource waters, and for wetlands in areas of special natural resource interest as specified in Sec. NR 103.04, 75 feet.
 - ii. For perennial and intermittent streams identified on a United States geological survey 7.5–minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.
 - iii. For lakes, 50 feet.
 - iv. For highly susceptible wetlands, 50 feet. Highly susceptible wetlands include the following types: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep marshes and seasonally flooded basins. Wetland boundary delineations shall be made in accordance with Sec. NR 103.08(1m). This paragraph does not apply to wetlands that have been completely filled in accordance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
 - v. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor

- more than 30 feet. Less susceptible wetlands include degraded wetlands dominated by invasive species such as reed canary grass.
- vi. In subd. 1.i, iv, and v, determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in Sec. NR 103.03.
 - vii. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.
2. This subd. (g)(3)f applies to post-construction sites located within a protective area, except those areas exempted pursuant to subd. (g)(3)f.4 below.
 3. The following requirements shall be met:
 - i. Impervious surfaces shall not be permitted in the protective area. The storm water management plan shall contain a written site-specific explanation for any parts of the protective area that are disturbed during construction.
 - ii. Land disturbing construction activity shall only be allowed on the upstream portion of protective areas. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70% or greater shall be established and maintained. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.

Note to Users: It is recommended that seeding of non-aggressive vegetative cover be used in the protective areas. Vegetation that is flood and drought tolerant and can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover can be measured using the line transect method described in the University of Wisconsin Extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".

- iii. Best management practices such as filter strips, swales, or wet detention basins that are designed to control pollutants from non-point sources may only be located in the upstream portion of the protective area.

Note to Users: Other regulations, such as ch. 30, Wis. Stats., and chs. NR 103, 115, 116 and 117, Wis. Adm. Code, and their associated review and approval process may apply in the protective area.

4. This paragraph does not apply to:
 - i. Redevelopment post–construction sites.
 - ii. In–fill development areas less than 1 acre.
 - iii. Structures that cross or access surface waters such as boat landings, bridges and culverts.
 - iv. Structures constructed in accordance with Sec. 59.692(1v), Wis. Stats.
 - v. Post–construction sites from which runoff does not enter the surface water, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to Users: A vegetated protective area to filter runoff pollutants from post–construction sites described in subd. 4.v. is not necessary since runoff is not entering the surface water at that location. Other practices, necessary to meet the requirements of this section, such as a swale or basin, will need to be designed and implemented to reduce runoff pollutants before the runoff enters a surface water of the state.

- g. **Fueling and Vehicle Maintenance Areas.** Fueling and vehicle maintenance areas shall, to the maximum extent practicable, have BMPs designed, installed and maintained to reduce petroleum within runoff, such that the runoff that enters waters of the state contains no visible petroleum sheen.

Note to Users: A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or non–structural method of preventing or treating petroleum in runoff.

- h. **Swale Treatment for Transportation Facilities.**
 1. **Applicability.** Except as provided in subd. 2., transportation facilities that use swales for runoff conveyance and pollutant removal meet all of the requirements of this section, if the swales are designed to the maximum extent practicable to do all of the following:
 - i. Be vegetated. However, where appropriate, non–vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to Users: It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.

- ii. Carry runoff through a swale for 200 feet or more in length that is designed with a flow velocity no greater than 1.5 feet per second for the peak flow generated using either a 2–year, 24–hour design storm or a 2–year storm with a duration equal to the time of concentration as appropriate. If a swale of 200 feet in length cannot be designed with a flow

velocity of 1.5 feet per second or less, then the flow velocity shall be reduced to the maximum extent practicable.

Note to Users: Check dams may be included in the swale design to slow runoff flows and improve pollutant removal. Transportation facilities with continuous features such as curb and gutter, sidewalks or parking lanes do not comply with the design requirements of this paragraph. However, a limited amount of structural measures such as curb and gutter may be allowed as necessary to account for other concerns such as human safety or resource protection.

2. **Exemptions.** The Village Engineer may, consistent with water quality standards, require other provisions of this section be met on a transportation facility with an average daily travel of vehicles greater than 2500 and where the initial surface water of the state that the runoff directly enters is any of the following:
 - i. An outstanding resource water.
 - ii. An exceptional resource water.
 - iii. Waters listed in Sec. 303(d) of the federal clean water act that are identified as impaired in whole or in part, due to nonpoint source impacts.
 - iv. Waters where targeted performance standards are developed under Sec. NR 151.004, Wis. Adm. Code, to meet water quality standards.

Note to Users: The Department of Natural Resource's regional storm water staff can determine if additional BMPs, beyond a water quality swale, are needed under this paragraph.

- i. **Detention Pond Design.**

Users shall comply with the Village's Storm Water Pond Design, Landscaping, and Maintenance Requirements – Form SW-2, as amended from time to time, in designing and constructing a detention pond. These requirements have been established by the Village Board and may from time to time be modified by resolution.
- j. **Storm Water Landscaping.**

Users shall comply with the Village's Storm Water Pond Design, Landscaping, and Maintenance Requirements – Form SW-2, as amended from time to time, in designing and constructing storm water landscaping. These requirements have been established by the Village Board and may from time to time be modified by resolution.
- k. **Storm Water Maintenance.**

Users shall comply with the Village's Storm Water Pond Design, Landscaping, and Maintenance Requirements – Form SW-2, as amended from time to time, in planning and performing the storm water maintenance requirements. These requirements have been

established by the Village Board and may from time to time be modified by resolution.

(4) **General Considerations for On-Site and Off-Site Storm Water Management Measures.** The following considerations shall be observed in managing runoff:

- a. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.
- b. Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) **Location and Regional Treatment Option.**

- a. The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.
- b. Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.
- c. Except as allowed under par. d, post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.
- d. Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:
 1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and
 2. The BMP is designed to provide runoff treatment from future upland development.
- e. Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.
 1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.
 2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.

Note to Users: This allows the location of BMPs in navigable surface waters where necessary to augment management practices upstream of the navigable surface water to meet the performance standards.

- f. The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

Note to Users: This section does not supersede any other applicable federal, state or local regulation such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.

- g. The Village Engineer may approve off-site management measures provided that all of the following conditions are met:
 - 1. The Village Engineer determines that the post-construction runoff is covered by a storm water management system plan that is approved by the Village of Caledonia and that contains management requirements consistent with the purpose and intent of this ordinance.
 - 2. The off-site facility meets all of the following conditions:
 - i. The facility is in place.
 - ii. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance
 - iii. The facility has a legally obligated entity responsible for its long-term operation and maintenance.
- h. Where a regional treatment option exists such that the Village Engineer exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined by the Village Board, from time to time. In recommending the fee for post-construction runoff, the Village Engineer shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) **Discretionary Storm Water Management Credits.**

The intent of this Section is to manage the long-term, post-construction storm water discharges from land disturbing construction activities for the purpose of diminishing the threats to public health, safety, welfare, and the aquatic environment due to runoff of storm water. Accordingly, the kind of development approach that avoids and minimizes such threats is highly desirable. The Village Engineer, upon review of the development proposal and the accompanying storm water management plan, shall consider the presence of the following project elements in determining the suitability of a credit in peak discharge limits at the project site in accordance with this Section and the procedures established in the Village of Caledonia Storm Water Management Plan. The suitability of a given development for consideration and possible receipt of credits under this Section, as well as the amount of credits to be awarded shall be determined by the Village Engineer in his/her sole discretion. The following guidelines shall be considered by the Village Engineer in determining the amount, if any, of credits to be awarded:

1. Identification of resources that will be impacted by the project. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 1.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
2. Identification of, and construction and implementation of measures to achieve, an overall goal, including, but are not limited to, forest stewardship, water quality preservation and enhancement, farmland preservation, natural habitat restoration, preservation of scenic beauty, archaeological and historic properties preservation, integration of ecological resources or passive recreational uses in development. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 2.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
3. Management of runoff close to its source. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 2.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
4. Use of natural processes such as infiltration and vegetative uptake in storm water management. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 2.5% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
5. Use of site layout, design, construction, and management techniques that achieve multiple storm water management objectives such as groundwater recharge, discharge rate control, runoff volume control, water quality improvement, and temperature controls. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 2.5% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
6. Preservation of natural resources in and around the project site to the maximum extent practicable, including avoiding the isolation of natural resources within the site. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 3.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
7. Minimization of site grading impacts, including construction and scheduling provisions that limit the amount of bare earth during construction. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 3.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.

8. Controlling total imperviousness to minimize the change in post development curve numbers and to maintain the pre-development time of concentration. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 3.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
 9. Increasing the aesthetic value of the proposed development and storm water management facilities through design. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 3.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
 10. Inclusion of storm water management facilities into the natural environment through placement, landscaping, and maintenance. If the Village Engineer determines that a credit should be given for completion of this guideline, the developer may receive a 3.0% increase in the post development discharge limit established in Section 9-2-10 (g)(3)c and d.
- (7) **Alternate Requirements.** The Village Engineer may establish storm water management requirements more stringent than those set forth in this section if the Village Engineer determines that an added level of protection is needed to protect sensitive resources.
- (h) **Permitting Requirements, Procedures and Fees.**
- (1) **Permit Required.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village Engineer prior to commencing the proposed activity.
 - (2) **Permit Application and Fees.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Village Engineer a permit application made on a form provided by the Village Engineer for that purpose.
 - a. Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.
 - b. The storm water management plan shall be prepared to meet the requirements of Sections (g) and (i), the maintenance agreement shall be prepared to meet the requirements of Section (j), the financial guarantee shall meet the requirements of Section (k), and fees shall be those established by the Village Board as set forth in Section (l).
 - (3) **Review and Approval of Permit Application.** The Village Engineer shall review any permit application that is submitted with a storm water management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:
 - a. Within thirty (30) business days of the receipt of a complete permit application, including all items as required by sub. (2), the Village

Engineer shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

- b. If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Village Engineer shall issue the permit.
- c. If the storm water permit application, plan or maintenance agreement is disapproved, the Village Engineer shall detail in writing the reasons for disapproval.
- d. The Village Engineer may request additional information from the applicant. If additional information is submitted, the Village Engineer shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- e. Failure by the Village Engineer to inform the permit applicant of a decision within thirty (30) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) **Permit Requirements.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Village Engineer may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village Engineer to suspend or revoke this permit may be appealed in accordance with Section (h).

- a. Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.
- b. The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.
- c. The responsible party shall notify the Village Engineer at least two (2) business days before commencing any work in conjunction with the storm water management plan, and within fourteen (14) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Village Engineer so that practice installations can be inspected during construction.
- d. Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Village Engineer or its designee to determine if they are in accordance with the approved storm water management plan and

ordinance. The Village Engineer or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

- e. The responsible party shall notify the Village Engineer of any modifications it intends to make to an approved storm water management plan. The Village Engineer may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.
 - f. The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Village Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.
 - g. The responsible party authorizes the Village Engineer to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Section (k).
 - h. If so directed by the Village Engineer, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.
 - i. The responsible party shall permit property access to the Village Engineer or his/her designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.
 - j. Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village Engineer may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.
 - k. The responsible party is subject to the enforcement actions and penalties detailed in Section (m), if the responsible party fails to comply with the terms of this permit.
- (5) **Permit Conditions.** Permits issued under this subsection may include conditions established by Village Engineer in addition to the requirements needed to meet the performance standards in Section (g) or a financial guarantee as provided for in Section (k).
- (6) **Permit Duration.** Permits issued under this section shall be valid from the date of issuance through the date the Village Engineer notifies the

responsible party that all storm water management practices have passed the final inspection required under sub. (4)d.

(i) **Storm Water Management Plan.**

(1) **Plan Requirements.** The storm water management plan required under Section (h)(2) shall contain at a minimum the following information:

- a. Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.
- b. A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
- c. Pre-development site conditions, including:
 1. One or more site maps at a scale of not less than 1 inch equals 100 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 100 feet per inch; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.
 2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
- d. Post-development site conditions, including:
 1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 3. One or more site maps at a scale of not less than 1 inch equals 100 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 100 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
 4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).
 5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.
- e. A description and installation schedule for the storm water management practices needed to meet the performance standards in Section (g).
 - f. A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - g. Cost estimates for the construction, operation, and maintenance of each storm water management practice.
 - h. Other information requested in writing by the Village Engineer to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

- (2) The Village Engineer shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Village Engineer under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other requirements of this ordinance. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village Engineer in the notice.
- (4) If the violations of this ordinance or a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Village Engineer may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village Engineer plus interest and legal costs shall be billed to the responsible party.
- (5) The Village Engineer is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the municipal attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Village Engineer may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village Engineer or by a court with jurisdiction.
- (8) The Village Engineer is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the municipal attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, entity, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than \$25.00 or more than \$500.00 per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
- (10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

Note to Users: Injunctive orders are authorized pursuant to Sec. 59.69(11), 61.35, or 62.23(8), Wis. Stats., for counties, villages and towns with village powers, and cities respectively.

- (11) When the Village Engineer determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or required maintenance plan, or has failed

to comply with schedules set forth in said storm water management plan, the Village Engineer or a party designated by the Village Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Village Engineer shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Section (k) of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

- (n) **Appeals.**
Review of any determination made under the ordinance shall be pursued in accordance with Title 4, Chapter 1 of the Village's Code of Ordinances.
- (o) **Severability.**
If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.
- (p) **Effective Date.**
This ordinance shall be in force and effect from and after its adoption and publication. The above and foregoing ordinance was duly adopted by the Village Board of the Village of Caledonia on the 17th day of March, 2009.

9-2-11 PONDS.

- (a) **Permit Required.** No person shall construct or make improvements to any pond located within the Town of Caledonia without first obtaining a permit from the Town Engineer. Except as set forth below, these provisions apply to all ponds including, but not limited to, those ponds utilized for drainage, recreation, aesthetics, sediment control, and fish management.
- (b) **Exceptions.** The following ponds are excluded from the provisions of this ordinance: Ponds with a depth of less than 24 inches, ponds with a diameter less than 16 feet or an area less than 200 square feet, storm water drainage ponds created by or for a town drainage utility district, and ponds which have been previously reviewed and approved as part of an erosion control plan. Existing ponds are also excluded from the provisions of this ordinance, but any enlargement, dredgings or modifications to such ponds makes them subject to this section.
- (c) **Site Plan Required.** Before a permit may be issued, the applicant shall provide the Town with a detailed site plan of the proposed pond excavation showing cross-section, depth, area and location of the pond

as well as addressing disposition and storage of spoils from the excavation. The plan shall contain measures to protect against overflow and shall address drainage into and surrounding the pond area. The plan shall detail the flow of drainage in the event of overflow and demonstrate that adjacent properties will be adequately protected in the event of overflow. A restoration plan for the excavation is also required. Additional information shall be supplied to the Town, as requested by the Town Engineer.

(d) **Standards For Construction.**

- (1) Technical Requirements. Side slopes shall not exceed a 4:1 ratio. The boundaries of the pond, as shown on the approved site plan, shall be set back a minimum of thirty (30) feet from all property lines. The Town Engineer may require safety ledges, where appropriate, in accordance with the specifications set forth below. In addition, ponds shall be constructed in conformance with the standards of the Soil Conservation Service Technical Guide and, where applicable, the Wet Detention Basin of the Wisconsin Department of Natural Resources Conservation Practice Standard, copies of which are available through the Town Engineer, as well as other applicable provisions of Chapters NR 151 (Runoff Management) and NR 333 (Dam Design and Construction) of the Wisconsin Administrative Code. The Town Engineer may require the applicant to submit an engineering analysis certifying the structural adequacy of the proposed pond.
- (2) Excavated Material. To the maximum extent possible, all excavated material shall remain on-site and shall be integrated into the restoration of the pond area.
- (3) Rezoning. If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-4 quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.
- (4) Conditions to Permit. The Town Board may attach conditions to the issuance of a pond permit to address such things (without limitation) as maintenance, weed control, depth of pond, landscaping and aesthetics, and measures to secure the pond to avoid personal injury to trespassers. Temporary seeding may be required by the Town Engineer for partially completed projects. Other conditions appropriate to the area under consideration may be added to the permit by the Town Engineer.

- (5) Additional Permits. Before proceeding with excavation, the applicant, in addition to obtaining a permit from the Town, must secure all necessary permits from pertinent county, state and federal government agencies.
 - (6) Permit Fee. At the time of application, the applicant shall submit a permit fee of \$100.00 for a proposed new or reconstructed pond, and a permit fee of \$50.00 for maintenance or dredging of an existing pond. In addition, the applicant shall reimburse the Town for engineering, planning, legal and administrative expenses incurred in processing, reviewing, revising and approving the permit and site plan.
- (e) **Modifications Or Waivers.** An applicant who seeks modifications or waivers of any of the above permit requirements must obtain Town Board approval in accordance with the procedure set forth in Section 4-1-13 of the Town's Code of Ordinances.

CHAPTER 4

Sewer Utility District No. 1 Regulations and Rates

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
9-4-1	Caledonia East Sewer Utility District and Caledonia West Sewer Utility District	2000-01 2008-12	2/19/01 12/16/08
9-4-2	Application for Racine Sewer Ordinances		
9-4-3	Additional Definitions		
9-4-4	District Manager		
9-4-5	Sewerage Connection Charge	2001-08 2002-27 2005-02 2008-12	4/2/01 12/3/02 3/15/05 12/16/08
9-4-6	Additional Connection Charge		
9-4-7	Connections to Sewer Mains	2006-12	12/19/06
9-4-8	Basis for Sewer Service Charges	2003-10 2008-12	12-2-03 12/16/08
9-4-9	Billings		
9-4-10	Sewer Construction and Connections		
9-4-11	Appeals		
9-4-12	Violations and Penalties		
9-4-13	Validity		

SEC. 9-4-1 CALEDONIA EAST SEWER UTILITY DISTRICT AND CALEDONIA WEST SEWER UTILITY DISTRICT.

- (a) **District.** Unless otherwise indicated, any reference to “District” or ‘Districts” shall mean the Caledonia East Sewer Utility District and/or Caledonia West Sewer Utility District as appropriate.
- (b) **Commission.** The Commission shall have the powers and duties as specified in Section 2-5-8.

SEC. 9-4-2 APPLICATION OF RACINE SEWER ORDINANCES.

- (a) **Adoption.** The sections and subsections of the City of Racine ordinances set forth below relating to “Utilities”, and any amendments thereto are hereby adopted, and may be enforced by the Wastewater Commission and/or the District. References in such provisions to the “wastewater utility” or the “utility”, or to the “general manager” or the “manager”, or to the “board of standards” or to the “board”, or to the “wastewater commission” or the “commission”, or to the “common council” or to the “council,” or to the “city” are references, respectively, to the Racine Utility, or to its General Manager, or

to the Racine Board of Standards, or to the Wastewater Commission, or to the Racine Common Council or to Racine, to the extent permitted under applicable law.

(b) **Wastewater policy; purposes [Sec. 98-3 of Racine Municipal Code].**

The ordinances of the city related to the wastewater utility and the provision of wastewater service shall be construed in a manner consistent with the following general policy of the city and the utility, and the utility staff and manager shall be mindful of the concerns set forth in this section when exercising judgment in operating and managing the utility. The wastewater utility shall be operated in a manner that reasonably safeguards:

- (1) Compliance with the city's WPDES permit issued by the Wisconsin Department of Natural Resources;
- (2) Compliance with applicable federal, state and local law;
- (3) The health and safety of the employees of the wastewater utility;
- (4) The cost-effective and efficient reduction of pollutants in discharges to any media in the environment;
- (5) Prudent and cost-effective investments in the wastewater facilities operated by the utility and in the facility planning process required to determine the adequacy and need for expansion of the wastewater facilities;
- (6) Current good professional standards in water pollution control;
- (7) The preservation of water resources in the region;
- (8) Public health, safety and welfare;
- (9) The continued improvement of the environment in the greater Racine area;
- (10) Sound planning regarding land use as it may affect the ability of the utility to meet the other policies and purposes of the utility;
- (11) Sound area wide water quality management planning; and
- (12) Such other directives as the wastewater commission and the common council may give to the utility from time to time.

(c) **Definitions [Sec. 98-4 of Racine Municipal Code].**

- (1) The definitions of Section 9-4-2(a)(2) [Section 98-150(b) of the Racine Municipal Code] shall be used throughout this chapter unless otherwise specifically provided.
- (2) **Agreement** means the 2002 Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement.
- (3) **Building sewer or lateral or service pipe** means that part of the drain system not within or under a building that conveys its discharge to a public sewer, private interceptor main sewer or other point of disposal.
- (4) **Industrial building** means a building used for the manufacture or production of goods.
- (5) **Interceptor** means a main trunk sewer.
- (6) **Non-party** means a local government entity that has not approved, executed and satisfied the conditions of the agreement.
- (7) **Outlying parties or outlying communities** mean those sewer service recipient parties other than the city and the wastewater commission.
- (8) **Party** means a local government entity that has approved, executed and satisfied the conditions of the agreement, or its successors.
- (9) **Private interceptor main sewer** means a privately owned sewer serving two or

- more buildings and not directly controlled by a public authority.
- (10) **Public sewer** means a sewer owned and controlled by a public authority.
 - (11) **Sewer extension** means the installation of a public sanitary sewer, or of a privately owned sanitary sewer serving two or more buildings, or the extension of either, for the purpose of providing additional capacity for new development within the existing or proposed tributary area of such sewer or extension. Alterations or modifications of previously existing sewerage systems designed to replace and in fact replacing inadequate existing structures, or installed because of inadequate hydraulic sewer capacity, which do not extend sanitary sewer service to previously unserved areas are not sewer extensions within the meaning of this chapter.
 - (12) **Wastewater Commission or Commission** means the Racine Wastewater Utility Commission, an intergovernmental commission established by this Agreement pursuant to Wis. Stats. §66.0301 to serve as the governing body of the Racine Utility and administer the 2002 Agreement.
- (d) **Approval of sewer plans; construction of projects [Sec. 98-114 of the Racine Municipal Code]**
- (1) **Applicability.** This section applies to the submission and approval of plans and specifications of all sewers (except internal private plumbing) and appurtenances within the service area of the utility, including but not limited to:
 - a. Sanitary sewer extensions to serve land that is not served by sanitary sewers;
 - b. All sanitary sewer mains, interceptors, lift stations, including any enlargements and any components thereof;
 - c. Equalization or storage facilities; and
 - d. Projects to repair or replace any of the foregoing, or to rehabilitate any such facilities for purposes of reducing infiltration or inflow.
 - (2) **Construction of projects; approval required.** No person shall commence, or cause to be commenced, construction of any project referred to in subsection (a), above, within the service area of the utility until the project and the plans and specifications for such sewer or other facility shall have been approved by the general manager pursuant to this section. Nothing in this subsection relieves a person from obtaining any other applicable local, state, or federal permits or approvals.
 - (3) **System plan required.** The construction of all projects that will store or convey wastewater that will eventually be introduced into the interceptors of the utility or will be received at the treatment plant, shall be consistent with a system plan filed with and approved by the utility. Each outlying community which conveys wastewater into the interceptors of the utility, or directly or indirectly to the utility's treatment plant shall prepare and file a system plan with the utility. The system plan shall identify all facilities in the outlying community's sewer system in a detail and manner consistent with current good professional standards. Each application for approval of a project under this section shall be accompanied by a proposed amendment to the outlying community's system plan.
 - (4) **Submission of plans and specifications.** All applications for approval under this section shall be accompanied by a written request for approval, signed by the

appropriate representative of the outlying community in which the proposed project is to be located, and a set of plans and specifications prepared in accordance with current good professional practice and that are sufficiently detailed to enable the general manager to reasonably determine the anticipated flow and characteristics of wastewater that may be transmitted through the proposed facilities. All plans and specifications shall be submitted with six copies of the proposed project, and three copies of the proposed amendment to the system plan, and two copies of the design computations; provided, however, that design computations will not be required for eight-inch diameter sanitary sewers that are designed to carry a peak flow equal to or less than seven-tenths cubic feet per second. Where a project will convey wastewater from more than one outlying community, the outlying community submitting the project for approval shall include evidence of the review and approval of any other outlying communities whose wastewater will be conveyed by the project.

(5) **Approval of system plans and construction plans tributary to the sewerage system of the wastewater utility of the city.**

a. The general manager is authorized to approve system plans and amendments to system plans, and construction plans (hereafter collectively "plans"), for areas tributary to the utility's sewerage system or treatment plant provided that:

1. The plans are consistent with the utility's ordinances, and statements of policy and purposes;
2. The plans are consistent with the agreement, the utility's facilities plans, amendments thereto, and any base flow and peak flow allocations utilized therein;
3. As to system plans or construction plans from areas outside the boundaries of the city, to the extent the plans would permit base or peak flows in excess of any allocations utilized in facilities plans or the agreement, the outlying community has reached a written agreement with the utility purchasing such additional capacity or otherwise reaching agreement on the capital costs associated with such exceedances of base or peak flows;
4. As to system plans or construction plans from areas outside the boundaries of the city, the outlying community to which such plans relate is in full compliance with section 98-113 of the City of Racine Municipal Code;
5. As to system plans or construction plans from areas outside the boundaries of the city, the outlying community to which such plans relate has paid all sewerage service charges invoiced by the utility in full in a timely manner;
6. As to construction plans for areas outside the boundaries of the city, the construction plans must be consistent with previously approved system plans or amendments thereto;
7. The plans are within the sewer service area approved by the utility or in the agreement; and
8. The general manager reasonably finds that the plans should not be

denied for one or more of the reasons set forth in the following subsection (2).

- b. In the event the general manager believes a proposed system plan, amendment to system plan, or construction plan is inconsistent with the sound management of the wastewater utility, or may damage the system, injure employees, surcharge any part or all of the sewerage system or plant, interfere with the wastewater treatment process at the plant, prevent or impair compliance with the utility's WPDES permit, contribute materially to bypassing in the tributary system or the interceptors or collection system in the utility's sewerage system, prevent or impair compliance with pretreatment regulations, fail to meet any of the criteria in the preceding subsection (a), or otherwise be inconsistent with the policies and purposes of the utility as described in subsection (b), then the general manager may deny approval of the plans. In exercising judgment under this section, the general manager may rely on the assessments of utility staff, and may make reasonable assumptions about the projected usage of the proposed project(s) based on current good professional practice.
- c. In the event the general manager intends to deny approval of plans, the general manager will allow, within a stated reasonable period, the proponents of the specific plan to submit such material as may address the concerns of the general manager. The general manager shall review such material and make a determination as to whether the plan should be approved or rejected. This determination must be made within 20 days after receipt of the material requested by the general manager after initial review. The general manager then may approve the plan if the criteria in these ordinances are satisfactorily addressed. If the general manager believes the denial of the plan should be sustained, the matter shall be submitted, along with the general manager's recommendation, to the wastewater commission for its final determination. In exercising its discretion to approve or deny the plan, the commission shall apply the criteria from this chapter of the agreement that apply to the general manager's initial determination and recommendation.

(e) **Right of inspection and survey; action for injunctive relief for violation of restrictions on use of system. [Sec. 98-115 of Racine Municipal Code]**

The utility shall have the right to inspect and survey the wastewater input of all users, including industrial and commercial users within those portions of the communities outside the city boundaries within the utility's sewer service area. If it is determined by the utility that any wastewater entering the sewer system is in apparent violation of an applicable ordinance, the utility will notify in writing the user, and/or the outlying community within which the user is located, of such condition and request that the apparent violation be abated within a period of five days after receipt of notice. Notwithstanding the foregoing, if the violation involves the discharge of toxic or hazardous substances to the collection system of the utility or for treatment at the treatment plant, or the violation threatens compliance with the city's WPDES permit, the violation must be immediately abated. If the violation is not abated in a timely manner,

the utility or the appropriate enforcement agency may take any and all lawful measures, including court action for injunctive relief, to accomplish compliance with the standards established under the ordinances applicable to the wastewater system. Nothing herein shall be construed as limiting the right of any individual to demand legally required warrants or permits, if any, prior to the inspection of his or her property

(f) **Definitions [Sec. 98-124 of Racine Municipal Code]**

The following definitions shall apply in the interpretation and enforcement of this division:

- (1) **Biochemical oxygen demand** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade expressed in milligrams per liter.
- (2) **Combined sewer** means a sewer that receives stormwater, surface runoff, industrial cooling water and sewage
- (3) **Compatible pollutant** means biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria and phosphorus are pollutants identified in the city's WPDES permit and which the city wastewater treatment plant is designed to remove to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater
- (4) **Control manhole** means a manhole located on the private sanitary sewer line coming from any building that is served by the city wastewater treatment plant. The manhole will be used for sampling and flow determinations. The design and location of the control manhole requires prior approval of the general manager of the city wastewater utility
- (5) **Domestic sewage** means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, commercial establishments, institutions, and free from storm surface water, cooling water and industrial wastes.
- (6) **Garbage** means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (7) **General manager** means the authorized department head of the wastewater (and water) utility of the city, having supervision of maintenance and operation of the sewerage system and wastewater treatment facilities of the city, or his authorized deputy, agent or representative
- (8) **Incompatible pollutant** means any pollutant that is not defined as a compatible pollutant
- (9) **Industrial wastes** means any liquid substance rejected or escaping from any industrial, manufacturing, trade or business process as distinct from domestic sewage.
- (10) **Major contributing industry** means an industry that: 1) has a flow of 50,000 gallons or more per average work day; or 2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste; or 3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Water Pollution Control Act Amendments of 1972; or 4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of

- effluent from that treatment works.
- (11) **Natural outlet** means any outlet into watercourse, pond, ditch, lake or other body of surface or groundwater.
 - (12) **P** means phosphorus.
 - (13) **Person** means any individual, firm, company, association, society, corporation, or group.
 - (14) **pH** means the logarithm of the reciprocal of the hydrogen ion concentration
 - (15) **Properly shredded garbage** means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch in any dimension.
 - (16) **Public sewer** means a sewer in which all owners of abutting properties have equal rights and is controlled by the city or other governmental entity in which the sewer is located.
 - (17) **Receiving waters** means any public water into which the effluent from any wastewater treatment plant or any public or private sewer is discharged.
 - (18) **Sanitary sewers** mean a sewer that carries domestic sewage and industrial wastes, and to which storm, surface, ground and unpolluted cooling or process waters are not intentionally admitted.
 - (19) **Sewage and wastewater** means any combination of water-carried wastes from residences, buildings, industrial establishments, institutions, manufacturing plants, processing plants, commercial establishments, or other places in which such wastes are produced, together with such ground, surface, storm or other water as may be present.
 - (20) **Sewer** means a pipe or conduit for carrying sewage.
 - (21) **Shall** is mandatory; may is permissive.
 - (22) **Significant industrial contributor** means any source to the sanitary or combined sewer system that discharges:
 - a. Greater than 10,000 gallons on any day of the year; or
 - b. Incompatible pollutants at a flow rate greater than five percent of the flow carried by the municipal system.
 - (23) **Slug** means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
 - (24) **Storm sewer or storm drain** means a sewer that carries stormwater, surface water, drainage and unpolluted industrial water discharges, such as cooling and air conditioning water, but excludes sewage.
 - (25) **Suspended solids** means the dry weight of solids that are physically suspended or floating in a flow of sewage, industrial waste, or water that are measurable by laboratory filtering.
 - (26) **Wastewater treatment plant** means any devices and/or structures used for the treating of sewage.
 - (27) **Wastewater works** means all facilities for collecting, pumping, transporting, treating and drying of sewage.
 - (28) **Watercourse** means a channel in which a flow of water occurs, either

continuously or intermittently.

- (29) **Wisconsin Pollutant Discharge Elimination System (WPDES) permit** means a permit issued to the city for the discharge of wastewater to Lake Michigan. This permit, which is on file in the office of the wastewater utility, specifies effluent limitations for compatible pollutants and specifies certain conditions that have to be met by the city. This permit was issued in compliance with the environmental protection agency as part of the National Pollutant Discharge Elimination System (NPDES) permit program.
- (g) **Discharge of unpolluted waters [Sec. 98-125 of Racine Municipal Code]**
No person shall discharge or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage that is not contaminated, unpolluted cooling water or unpolluted industrial process waters to any sanitary sewer, provided that a storm drain into which such waters and drainage can be discharged is available and cost effective and provided further that separation of existing internal combined sewers in any source of industrial waste shall not be required, except in the case of system replacement or renewal initiated by the owner of such sources.
- (h) **Storm sewers [Sec. 98-126 of Racine Municipal Code]**
Stormwater and all uncontaminated drainage shall be discharged to such sewers as are specifically designated as storm sewers, combined sewers, or to a natural outlet or watercourse approved by the Wisconsin Department of Natural Resources and the general manager. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Wisconsin Department of Natural Resources and the general manager, to a storm sewer, natural outlet, or watercourse.
- (i) **Prohibited waste discharges [Sec. 98-127 of Racine Municipal Code]**
No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, natural outlet or watercourse:
- (1) Any explosive or flammable solid, liquid or gas, including but not limited to gasoline, kerosene, benzene, naphtha, fuel oil;
 - (2) Any waters or wastes causing a pH lower than 5.0 or higher than 10.0 at any point in the public sewer or receiving water;
 - (3) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interferences with the proper operation of the wastewater works, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, lime slurries, chemical residue, paint residues, etc.;
 - (4) Any waters or wastes containing toxic solids, liquids, or gases in sufficient quantity acting either singly or by interaction with other wastes to injure or interfere with any wastewater treatment process, constitute a hazard to humans, animals, or aquatic life, or create a public nuisance;
 - (5) Any solid, liquid or gas creating a hazard or public nuisance in the receiving water; or
 - (6) Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (j) **Wastewater discharges controlled [Sec. 98-128 of Racine Municipal Code]**
No person shall discharge or cause to be discharged into the sanitary sewers any wastewaters having physical properties and concentrations of chemical constituents or such other physical and chemical properties that exceed the standards and limitations under subsection 98-143(2) of the Racine Municipal Code.
- (k) **Discharge of sewage by agreement [Sec. 98-129 of Racine Municipal Code]**
Should any sewage have the characteristics set out in section (j) above, the city may, nevertheless, accept such sewage subject to individual agreements that specify pretreatment or controls on rates and quantities of discharges which, in the opinion of the general manager will protect the wastewater works and wastewater treatment process, or the city may agree to accept such sewage subject to the payment of charges for the actual additional costs to the city resulting from the treatment of such sewage by the city. In making such agreements the general manager shall give consideration to such factors as the quantities of such wastes in relation to the capacity, flow and velocities in the receiving sewers, degree of treatability of the sewage and requirements of the public authorities having jurisdiction over discharges from the city wastewater works. If the general manager permits the pretreatment or equalization of sewage flows, the design and installation of the plants and equipment for such pretreatment or equalization shall be subject to the review and approval of the general manager, and subject to the requirements of all applicable ordinances, laws and regulations.
- (l) **Preliminary treatment facilities [Sec. 98-130 of Racine Municipal Code]**
Where preliminary treatment or flow-equalizing facilities are provided for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at its expense.
- (m) **Control manhole [Sec. 98-131 of Racine Municipal Code]**
When required by the general manager, the owner of any property serviced by the building sewer carrying industrial wastes into a public sanitary or public combined sewer shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurements of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the general manager. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.
- (n) **Measurements and tests [Sec. 98-132 of Racine Municipal Code]**
All measurements, tests, and analyses of sewage to which reference is made in this division shall be in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association and as published by the U.S. Environmental Protection Agency in 40 CFR 136. Measurements shall be made and samples taken at the control manhole provided. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater works and to determine the existence of hazards to the health, safety and welfare of the public. On the basis of analysis of the data, the general manager will determine whether grab or composite sampling is required.

- (o) **Board of Standards; appeals [Sec. 98-133 of Racine Municipal Code]**

The board of standards shall hear and decide all appeals by persons affected by any decision of the general manager to accept or reject sewage under the provisions of Section 9-4-2 (k) [section 98-129 of Racine Municipal Code] of this division and shall, in appropriate cases, authorize the acceptance of sewage under conditions and safeguards in harmony with the general policy expressed in Section 9-4-2(u) [section 98-150 of Racine Municipal Code].
- (p) **New connections prohibited [Sec. 98-134 of Racine Municipal Code]**

No new connections shall be made to the sanitary sewer system connected to the city wastewater treatment plant unless all downstream sewers and appurtenances are of adequate size to handle the additional load.
- (q) **WPDES permit [Sec. 98-135 of Racine Municipal Code]**

No person shall discharge or permit to be discharged to the city wastewater system any substances, material, or quantities of substances or material that would cause the utility to violate, or materially increase the likelihood that the utility would violate, its WPDES permit.
- (r) **DNR NR 101 requirements [Sec. 98-136 of Racine Municipal Code]**

To the extent required by law, significant industrial dischargers shall furnish information to the DNR and the utility needed for the DNR program pursuant to Chapter NR 101, Wisconsin Administrative Code. The utility shall comply with the requirements of the NR 101 program.
- (s) **Authority to inspect [Sec. 98-137 of Racine Municipal Code]**

The general manager, members of the board of standards and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter upon all properties connected to the wastewater works for the purpose of inspection and observation of the measurement, sampling and testing, in accordance with the provisions of this division, and to inspect the discharge to the sewers or natural outlets or wastewater treatment facilities. Only the general manager shall be permitted to enter any premises for the purpose of reviewing plant operations with designated plant personnel for the purpose of determining the scope of the waste control program, and any information so obtained by him shall be confidential, provided that any review of trade secrets or proprietary processes shall be limited to any discharge therefrom that flows into a public sewer.
- (t) **Board of Standards: Appeals and Decision of Board [Sec. 98-143(4) and (5) of Racine Municipal Code]**

The board shall have the following powers and duties subject to Section 9-4-2(u) [section 98-150 of Racine Municipal Code]

 - (1) **Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by the general manager. In the administration of this division, the general manager shall be disqualified from sitting as a member of the board in any appeal under this subsection; and
 - (2) **Decision of board.** In exercising its powers under this section the board may, in conformity with the provisions of this division, reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made,

and to that end shall have all of the powers of the general manager, subject to the approval of the wastewater commission.

(u) **Pretreatment regulations - general provisions [Sec. 98-150 of Racine Municipal Code]**

(1) **Purpose and policy.** This division sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city wastewater utility and enables the utility to comply with applicable state and federal laws required by the Clean Water Act of 1977 (Public Law 95-217) and the General Pretreatment Regulations (40 CFR, part 403).

The objectives of this division are to:

- a. Prevent the introduction of pollutants into the municipal wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- b. Prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or be otherwise incompatible with the system;
- c. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- d. Provide for equitable distribution of the operation and maintenance cost of the utility's implementation of the industrial pretreatment program;
- e. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public; and
- f. To enable the utility to comply with its Wisconsin Discharge Eliminations System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This division provides for the regulation of direct and indirect contributors to the wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be pre-empted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city POTW. Except as otherwise provided herein, the general manager of the Racine POTW shall administer, implement, and enforce the provisions of this division.

(2) **Definitions.** Unless the text specifically indicates otherwise, the following terms and phrases, as used in this section, mean:

- a. **Accidental discharge** means a slug flow of material sufficient to cause upset to the utility
- b. **Act or the act** means the Federal Water Pollution Control Act, also

- known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.
- c. **Administrator** means the administrator or other duly authorized official of the environmental protection agency.
 - d. **Approval authority** means the Wisconsin Department of Natural Resources.
 - e. **Authorized representative of industrial user** means a designated person who is:
 - 1. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; or
 - 2. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
 - 3. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge originates.
 - f. **Biochemical oxygen demand (BOD)** means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
 - g. **Board of standards** means a seven-member board appointed by the mayor and confirmed by the common council to provide information and advise the wastewater utility. Refer to section 98-155(c) of the City of Racine Municipal Code for procedures, powers, and duties.
 - h. **Building sewer** means a sewer conveying wastewater from the premises of a user to the POTW.
 - i. **Categorical standards or categorical pretreatment standards** means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 U.S.C. s.1317) which apply to a specific category of users and which appear in 40 CFR, chapter I, subchapter N, parts 405 through 471.
 - j. **Chemical oxygen demand** means the quantity of oxygen utilized in the chemical oxidation of organic matter, expressed in mg/l as determined in accordance with standard laboratory procedure as set out in the latest edition of "Standard Methods for the Examination of Water and Wastewater."
 - k. **City** means the City of Racine or its designated representatives.
 - l. **Consistent removal** means the reduction in the amount of a pollutant or alteration of the nature of a pollutant in the effluent to a POTW to a less toxic or harmless state in the effluent which is achieved by that POTW according to the procedures set forth in 40 CFR, part 403.7 promulgated pursuant to the act.
 - m. **Cooling water** means the water discharged from any use such as air conditioning, cooling or refrigeration to which the only pollutant added is heat.
 - n. **Direct discharge** means the discharge of treated or untreated wastewater directly to the waters of the State of Wisconsin.
 - o. **Environmental protection agency or EPA** means the U.S.

- Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.
- p. **Existing source** means any source of discharge, the construction or operation commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 307 of the act.
 - q. **General manager** means the person designated by the utility to supervise the operation of the publicly owned treatment works and who is charged with certain duties and responsibilities by this article, or duly authorized representative.
 - r. **Grab sample** means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
 - s. **Holding tank waste** means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
 - t. **Indirect discharge or discharge** means the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the act.
 - u. **Industrial user** means a source of indirect discharge.
 - v. **Instantaneous maximum allowable discharge limit** means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
 - w. **Interference** means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - 1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - 2. Therefore, is a cause of a violation of any requirement of the POTW's WPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA) the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
 - x. **Medical waste** means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and

- dialysis wastes.
- y. **Municipality** means the communities and/or sanitary districts that are served by the utility interceptor sewers and/or utility wastewater treatment plant.
 - z. **National categorical pretreatment standards or pretreatment standards** means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the act (33 U.S.C. s. 1347) which applies to a specific category of industrial users.
 - aa. **National prohibitive discharge standard or prohibitive discharge standard** means any regulation developed under the authority of section 307(b) of the act and 40 CFR, part 403.5.
 - bb. **New Source** means:
 - 1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act which will be applicable to such sources if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building structure, facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
 - 2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria above but otherwise alters, replaces, or adds to existing process or production equipment.
 - 3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program; or
 - b. Any placement, assembly, or installation of facilities or equipment; or
 - c. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or

- installation of new source facilities or equipment.
4. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- cc. **Noncontact cooling water** means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- dd. **Pass through** means a discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the city's WPDES permit, including an increase in the magnitude or duration of a violation.
- ee. **Person** means the state or any agency of institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and including any officer or governing or managing body of any municipality, governmental subdivision or public or private corporation, or other entity.
- ff. **P** means phosphorus.
- gg. **pH** means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- hh. **Pretreatment or treatment** means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or by other means, except as prohibited by 40 CFR, part 403.6(d).
- ii. **Pretreatment requirements** means any local or state requirements related to pretreatment, other than a categorical pretreatment standard imposed on an industrial user.
- jj. **Pretreatment standard or standards** means prohibited discharge standards, categorical pretreatment standards, and local limits.
- kk. **Prohibited discharge standards or prohibited discharges** means absolute prohibitions against the discharge of certain substances, these prohibitions appear in section (v)(1) of this division.
- ll. **Publicly owned treatment works (POTW)** means the city wastewater treatment plant, as well as sewers, pipes and other conveyances, but only if they convey wastewater to a POTW treatment plant. For the purposes of this division, POTW also includes any sewers that convey wastewaters to the POTW from persons outside Racine who are, by contract or agreement with the city, users of the city POTW.
- mm. **POTW treatment plant** means that portion of the POTW designed to

- provide treatment of wastewater.
- nn. **Septic tank waste** means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- oo. **Sewage** means human excrement and gray water (household showers, dish-washing operations, etc.)
- pp. **Shall** is mandatory; **may** is permissive.
- qq. **Significant user** means:
1. A user subject to categorical pretreatment standards; or
 2. A user that:
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Has a reasonable potential for adversely affecting the POTW's operation or for violating any (3) Excepting that upon finding that a user meeting the criteria of a significant user (above) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the general manager, with consent of the wastewater commission, may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user pretreatment standard or requirement.
- rr. **Slug load or slug** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section (v) of this division.
- ss. **Standard industrial classification (SIC)** means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972.
- tt. **Suspended solids** means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- uu. **Toxic pollutant** means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of section 307(a) of the Act or other acts.
- vv. **Upset** means an exceptional incident in which a discharger is unintentionally and temporarily in a state of noncompliance with the standards set forth in this division due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless

or improper operation thereof.

- ww. **User** means any person who contributes, causes or permits the contribution of wastewater into the utility's POTW.
- xx. **Wastewater discharge permit** means the document issued by the utility to the significant users to set forth the requirements and limitations for the industrial user
- yy. **Wisconsin Pollutant Discharge Elimination System (WPDES) permit** means any permit or requirement issued by the Department of Natural Resources (DNR) pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. s. 1251 et seq.), for the purpose of controlling sewage, industrial wastes, or other wastes under the authority of section 402 of the act.

- (3) Abbreviations. The following abbreviations shall have the designated meanings:
 - a. BOD--Biochemical oxygen demand.
 - b. CFR--Code of Federal Regulations. (Example: 40 CFR, part 403 is title 40 of the Code of Federal Regulations, part 403).
 - c. COD--Chemical oxygen demand.
 - d. EPA--Environmental Protection Agency.
 - e. l--Liter.
 - f. mg--Milligrams.
 - g. mg/l--Milligrams per liter.
 - h. POTW--Publicly owned treatment works.
 - i. RCRA--Resource Conservation and Recovery Act.
 - j. SIC--Standard industrial classification.
 - k. SWDA--Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
 - l. TSS--Total suspended solids.
 - m. USC--United States Code.
 - n. WPDES--Wisconsin Pollutant Discharge Elimination System.

(v) **General sewer use requirements [Sec. 98-151 of Racine Municipal Code]**

- (1) **General discharge prohibitions.** No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which causes pass through or will interfere with the operations or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. A user may not contribute the following substances to any POTW:
 - a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than 15 percent nor any single reading over 30 percent of the lower explosive limit (LEL) of the meter for that specific chemical. In addition, pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed cup flash point of less than 140 degrees

- Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the utility, the state, or EPA has notified the user is a fire hazard or a hazard to the system;
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer, but in no case solids greater than three inches in any dimension or create interference with the operation of the wastewater treatment facilities such as, but not limited to: articles with sufficient dimensions or quantity either alone or in combination with other particles to obstruct the wastewater flow, animal guts or tissues, paunch manure, bones, hair, hides, or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
 - c. Any wastewater entering the municipal sanitary sewer system having a pH less than 5.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW
 - d. Any wastewater entering the municipal sanitary sewer system having a pH in excess of 10.0;
 - e. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutants will cause interference w/the POTW and/or which would constitute a slug;
 - f. Petroleum oil, nonbiodegradeable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - g. Trucked or hauled pollutants, except at the wastewater treatment plant discharge point, under permit as listed in section (13);
 - h. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act;
 - i. Any noxious or malodorous liquids, gases, or solids, which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
 - j. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or

regulations developed under section 405 of the act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state or local criteria applicable to the sludge management method being used;

- k. Any substance which will cause the POTW to violate its WPDES permit or the receiving water quality standards;
- l. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;
- m. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature which is lower than 32 degrees Fahrenheit (0 degrees Celsius) at discharge point from the source to the sanitary sewer system. The temperature shall not exceed 104 degrees Fahrenheit (40 degrees Celsius) at the POTW wastewater treatment plant;
- n. Any unpolluted water including, but not limited to, cooling water, storm water, or groundwater;
- o. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause interference with the wastewater disposal system;
- p. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable state or federal regulations;
- q. Any wastewater which causes a hazard to human life or creates a public nuisance;
- r. Sludges, screenings or other residues from the pretreatment of industrial wastes;
- s. Medical wastes, except as specifically authorized by the general manager in a wastewater discharge permit; and
- t. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- u. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

When the general manager determines that a user is contributing to the POTW, any of the substances enumerated above in such amounts as to interfere with the operation of the POTW, the general manager shall:

1. Notify user.
2. Develop effluent limits, if possible, for such user(s) to correct the interference with the POTW.
3. Take immediate action if necessary to eliminate interference.

- (2) **National categorical pretreatment standards.** Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the categorical pretreatment standards, if more stringent than limitations imposed

under this division for sources in that subcategory, shall immediately supersede the limitations imposed under this division. The general manager shall notify all affected users of the applicable reporting requirements under 40 CFR, part 403.12. Compliance by existing sources with categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in 40 CFR, part 403.3(k). New sources shall be required to meet applicable pretreatment standards before beginning to discharge.

- a. The categorical pretreatment standards found in 40 CFR, chapter I, subchapter N, parts 405 through 471 are hereby incorporated:
 - 1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the general manager may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c);
 - 2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the general manager shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e);
 - 3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard; and
 - 4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(3) **Local limits.** No user shall discharge wastewater containing the following pollutants in excess of the following:

- a. Limits for flow proportional sampling procedure and batch discharges or grab samples when necessary:

TABLE INSET:

	mg/l liter
Cadmium (no user shall discharge more than 0.1 lbs./day)	0.7
Chromium	14.0
Copper	4.5
Lead	1.38
Mercury	0.1
Nickel	4.1
Zinc	8.2

All concentrations for metallic substances are for "total" metal unless indicated otherwise.

- b. Grab sample only:
 - 1. Any wastewater containing fats, wax, grease or oils whether emulsified or not, in excess of 200 mg/l as measured by an approved EPA method or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (0 degrees Celsius and 65.6 degrees Celsius).*
 - 2. 1.9 mg/l total cyanide.
- c. Monitoring requirement: All dischargers may be required to monitor for the following pollutants: 2,6-dichlorophenol, 3,4-dichlorophenol, trichlorethylene, arsenic, selenium, molybdenum.

The general manager may impose mass limits in addition to, or in place of, the concentration based limits above.

The general manager may impose additional limits and/or monitoring requirements on pollutants of concern.

The general manager shall be able to modify these limitations as long as they do not violate state or federal laws.

*Any variance requests for fats, wax, grease or oils limitations as set forth in section (3)(b) shall be submitted to the general manager. The variance request shall be based upon the criteria enumerated in 40 CFR, part II, sec. 403.13. If a variance is granted, the general manager will have sole discretion on whether to accept alternative testing procedures for the variance.

- (4) **State requirements.** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this division.
- (5) **Utility's right of revision.** The utility reserves the right to establish by ordinance more stringent limitations of requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in section (4)(i) of this division.
- (6) **Excessive discharge (dilution).** No user shall ever increase the use of process water or attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the categorical pretreatment standards or this division. The general manager may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (7) **Accidental discharges.** Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this division. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own expense.
- (8) **Sludges generated. Sludges, floatables, skimmings, etc.,** generated by an industrial or commercial pretreatment system shall not be placed into the Racine

POTW. Such sludges shall be contained, transported, and disposed of by haulers in accordance with all federal, state and local regulations.

- (9) **Bypass of treatment facilities:**
- a. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage or there are no feasible alternatives; and
 - b. The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation;
 - c. Notification of bypass:
 1. **Anticipated bypass.** If the permittee knows in advance of the need for bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the city wastewater utility.
 2. **Unanticipated bypass.** The permittee shall immediately notify the city wastewater utility and submit a written notice to the POTW within five days. This report shall specify:
 - a) A description of the bypass and its cause, including its duration;
 - b) Whether the bypass has been corrected; and
 - c) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.
- (10) **Continuation of expired permits.** An expired permit will continue to be effective and enforceable until the permit is reissued if:
- a. The permittee has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit; and
 - b. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.
- (11) **Records retention.** An industrial user subject to this division shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of an industrial user in connection with its discharge. All records which pertain to matters which are the subject of any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the industrial user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.
- (12) **Accidental discharge/slugs control plans.** At least once every two years, the general manager shall evaluate whether each significant industrial user needs an accidental discharge/slugs control plan. The general manager may require any user to develop, submit for approval, and implement such a plan. Alternatively, the general manager may develop such a plan for any user. An accidental discharge/slugs control plan shall address, at a minimum, the following:
- a. Description of discharge practices, including nonroutine batch discharges;
 - b. Description of stored chemicals.
 - c. Procedures for immediately notifying the general manager of any accidental or slug discharge, as required by this division; and

- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(13) **Hauled wastewater.**

- a. Septic tank waste may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. Such waste shall not violate pollutant limits as defined in section 98-148 of the Racine Municipal Code, limits imposed in Sections 98-151(a), (b) and (c) of the Racine Municipal Code, or any other requirements established by the utility. The general manager may require septic tank waste haulers to obtain wastewater discharge permits.
- b. The general manager shall require haulers of industrial waste to obtain wastewater discharge permits. The general manager may require generators of hauled industrial waste to obtain wastewater discharge permits. The general manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.
- c. Industrial waste haulers may discharge loads only at locations designated by the general manager. No load may be discharged without prior consent of the general manager. The general manager may collect samples of each hauled load to ensure compliance with applicable standards. The general manager may require the industrial waste hauler to provide waste analysis of any load prior to discharge; and
- d. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(w) **Pretreatment of wastewater [Sec. 98-152 of Racine Municipal Code]**

- (1) **Pretreatment facilities.** Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section (v) of this division within the time limitations specified by EPA, the state, or the general manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the general manager for review, and shall be acceptable to the general manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the utility under the provisions of this division. No person shall do such work that is within the

purview of the city building, plumbing or electrical code without first obtaining required permits.

- (2) **Additional pretreatment measures.**
- a. Whenever deemed necessary, the general manager may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division;
 - b. The general manager may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization;
 - c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the general manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the general manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at its expense; and
 - d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (x) **Appointment to Wastewater Commission.** The Town Board shall appoint a representative and one alternate to the Intergovernmental Wastewater Commission.
- (y) **Limitation of Sewer Extensions and Connections when Allocation Thresholds Exceeded.** The Town and/or District may restrict or prohibit sewer extensions and/or connections that would cause the Town and/or District to exceed 90% of its allocated capacity in the Racine Sewer Service Facilities, all in accordance with section 5.5 of the 2002 Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement Agreement.

SEC. 9-4-3 ADDITIONAL DEFINITIONS.

In this chapter:

- (a) **Approving Authority** means the Commission of the District or a duly authorized deputy, agent, or its representative.
- (b) **Building Drain** means the 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, beginning 5 feet (1.5 meters) outside the inner face of the building wall.
- (c) **Category A Customers** mean sanitary sewer customers who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/1 suspended solids no greater than 250 mg/1, and phosphorus no greater than 6 mg/1.

- (d) **Category B Customers** mean sanitary sewer customers who discharge wastewater with concentrations in excess of 200 mg/1 of BOD, 250 mg/1 of suspended solids, and 6 mg/1 of phosphorus. Customers whose wastewater exceeds the concentrations for any of these parameters shall be in Category B.
- (e) **Customer Charge** means a charge levied on customers of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.
- (f) **District** means Sewer Utility District Number 1.
- (g) **Easement** means an acquired legal right for the specified use of land owned by others for wastewater conveyance or treatment.
- (h) **Floatable Oil** means oil, fat, or grease in a physical state that will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not adversely interfere with the collection system.
- (i) **Grantee** means the Town of Caledonia for those projects in which the Town receives federal funding.
- (j) **Garbage** means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
- (k) **Industrial Cost Recovery Charge** means a charge to industrial customers, for the recovery of the federal EPA grant amount allocable to the treatment of the customers' wastewater volume and loading at design capacity, of federal EPA funded wastewater collection and treatment facilities.
- (l) **Municipality** means the Town of Caledonia.
- (m) **Operation and Maintenance Costs** means costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater, collection and treatment facilities.
- (n) **Parts Per Million** means a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 are equivalent to pounds per million gallons of water.
- (o) **Replacement Costs** means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater collection and treatment facilities to maintain the capacity and performance for which such facilities were designed and constructed.
- (p) **Sewerage System** means the facilities used for the collection, treatment, and disposal of wastewater.
- (q) **Sewer Service Charge** means a charge levied on customers of the wastewater collection and treatment facilities to recover annual revenues for debt services, replacement costs, and operation and maintenance expenses of said facilities. (The customer charge which covers operation and maintenance and replacement expenses is a part of the sewer service charge).
- (r) **Standard Methods** means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination and Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (s) **Town** means the Town of Caledonia, Racine County, Wisconsin.

- (t) **Unpolluted Water** means water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (u) **Wastewater Collection Facilities** (for wastewater collection system) mean the structures and equipment required to collect and carry away domestic and industrial wastewater.
- (v) **Watercourse** means a natural or artificial channel for the passage of water, either continuously or intermittently.

SEC. 9-4-4 DISTRICT MANAGER.

A District Manager shall be appointed by the Commissioners of the District to enforce all provisions of this Chapter. The Manager shall be responsible to the Commission for the day-to-day operations of the District, including, but not limited to, filing reports as may be required concerning the operations of the District.

SEC. 9-4-5 SEWERAGE CONNECTION CHARGES.

- (a) **Basic Charge.** Prior to the issuance of a permit allowing connection to the sanitary sewerage system of the Districts, there shall be paid to the Village of Caledonia and the applicable utility district and collected by the Village Treasurer on each lot, parcel of land or premises to be connected, a unit connection charge in the amount of **\$2,550**. The charge when paid shall be placed in a separate account and shall be used only for payment of operation and maintenance expenses, depreciation, and note or bond redemption.
- (b) **REU Charge.** In addition to the basic connection charge provided in (a) above, and prior to the issuance of a permit allowing connection to the sanitary sewerage system of the Districts, there shall be paid to the Village of Caledonia and the applicable utility district and collected by the Village Treasurer on each lot, parcel of land or premises to be connected to the Districts' system a unit connection charge, in the amount of **\$2,550**, for each residential equivalent unit (REU) attributed to such lot, parcel of land or premises.
 - (1) For purposes of this subsection, each single-family residential housing unit shall constitute one REU, whether located within a one-family, multi-family, condominium, rental or owner-occupied unit. Cooperative residential buildings, institutional and nonresidential buildings shall be assigned REU numbers based upon the size of the water meter or meters servicing such buildings as set forth in the following table:

TOWN OF CALEDONIA/CALEDONIA SEWER UTILITY DISTRICT NO. 1
REU RATIO

Meter Size (inches)	Meter Type	Flow (gpm)	REU Ratio
3/4 or less	Displacement	15	1.0
1	Displacement	25	2.5
1-1/2	Displacement	50	5.0
2	Displacement	80	8.0
2	Compound	80	8.0
2	Turbine - Cl. 1	80	8.0
2	Turbine - Cl.2	100	10.0
3	Compound	160	16.0
3	Turbine - Cl. 1	175	17.5
3	Turbine - Cl.2	240	24.0
4	Compound	250	25.0
4	Turbine - Cl. 1	300	30.0
4	Turbine - Cl. 2	420	42.0
6	Compound	500	50.0
6	Turbine - Cl. 1	625	62.5
6	Turbine - Cl. 2	920	92.0
8	Compound	800	80.0
8	Turbine - Cl. 1	900	90.0
8	Turbine - Cl. 2	1,600	160.0
10	Compound	1,150	115.0
10	Turbine - Cl. 1	1,450	145.0
10	Turbine - Cl. 2	2,500	250.0
12	Turbine - Cl. 1	2,150	215.0
12	Turbine - Cl. 2	3,300	330.0

In the event an owner or applicant for a permit shall object to the number of REUs assigned to a lot, parcel of land or premises based upon the foregoing table because of a lesser amount of actual discharge of water into the sanitary sewer system from such lot, parcel of land or premises, the owner or applicant may appeal the determination to the Utility District Commission. After hearing the owner or applicant in the matter, the Commission may recommend to the Town Board that the number of REUs assigned to the lot, parcel of land or premises be adjusted based upon satisfactory evidence of the actual discharge of water into the District's sanitary sewer system. The Town Board may thereafter adjust the number of REUs assigned to the lot, parcel of land or premises in accord with the evidence of actual discharge into the system.

- (2) The connection charge collected under this subsection shall be placed in a separate account and shall be used for the payment of the costs of lift stations, force mains, detention facilities, interceptor mains and the expansion of Racine Wastewater facilities.

- (c) **Exemption from Charge.** No basic charge or REU charge shall be collected by the Town Treasurer if the property to be serviced has been previously assessed for such connection charges.

SEC. 9-4-6 ADDITIONAL CONNECTION CHARGE.

- (a) In each and every case where a lot or parcel of land is connected to a sewer installed without levy of special assessment against a lot or parcel, there shall be an additional connection charge for each front foot of land abutting or fronting a road. The additional charge shall be equal to the cost per assessable foot of the lot abutting or fronting upon the road, based upon the amount the District Engineer determines the line would cost, per assessable foot, to install in the roadway at the time of the connection in order to furnish sewer service to the lot or parcel of land.
- (b) The District Engineer shall, in the estimation of the cost, compute the cost of the size of the sewer main and its installation at the depth necessary to furnish sewer service to the lot or parcel of land. Such additional charge shall be collected simultaneously with the regular connection charge.
- (c) In each and every case where a sewer main has been installed without defraying the cost or any part of the cost by the levy of special assessments, no person, firm or corporation shall be permitted to develop a subdivision or other area of land, without paying an additional connection fee. The additional connection fee shall be of the equal number of assessable footage of the subdivision or other area of land abutting, adjoining, or fronting the sewer main, multiplied by the per assessable foot cost of installing sewer lines in the adjoining subdivision or area of land. In cases where the adjoining subdivision or area of lands has lots which will connect directly to the sewer main that was originally installed, item sub. (a) will not apply if such adjoining subdivision or area of land is improved with the installation of sewer lines and the lines are connected with the original sewer main. When such improvements and connections are not made within the subdivision or other area of land, again, item sub. (a) will not apply.

SEC. 9-4-7 CONNECTIONS TO SEWER MAINS.

- (a) **Definitions.**
 - (1) **Accessory Use or Structure** shall mean a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel, serving a purpose customarily incidental to the principal structure.
 - (2) **Building** shall mean a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
 - (3) **Failure** shall mean a failing private sewage system as that term is defined in Sec. 145.245(4), Wis. Stats., as amended from time-to-time.
 - (4) **Land Split** shall have the same meaning as defined in Sec. 14-1-2(c) of this Code of Ordinances.

- (5) **Subdivision** shall have the same meaning as defined in Sec. 14-3-2(x) of this Code of Ordinances.
- (b) **Compulsory Connection.**
- (1) **Residential or Agricultural Use.** The owner of a Building in a residential or agricultural zoning district shall have all plumbing connected to a sewer main at the expense of the Building's owner if any part of the Building is within 500 feet of a sewer main or the right-of-way in which a sewer main is located. Mandatory connection is required, regardless of Building distance, for Subdivisions and Land Splits pursuant to Sec. 14-3-4(c)(6) of the Code of Ordinances. Any Building upon a parcel for which a conditional use permit is granted shall comply with the connection requirements of 9-4-7(b)(2) below. This subsection shall not apply to residential parcels in the Ponds of Caledonia Subdivision as originally platted or the Ponds II of Caledonia Subdivision as originally platted, both of which are conservation subdivisions existing prior to the effective date of this ordinance, and Oldfield Settlement Subdivision as originally platted, unless there is a Failure of any parcel's individual Private Onsite Wastewater Treatment System or a Failure of any private Community Onsite Wastewater Treatment System servicing more than one (1) parcel of land. In the event that a Failure occurs, all parcels within such subdivision shall be required to connect to a sewer main pursuant to this Section within eighteen (18) months of a determination of such Failure in accordance with Sec. 145.245(1)(a), as amended from time-to-time, or sooner if any applicable Federal law, Wisconsin Statute, Wisconsin Administrative Code, Racine County ordinance or other local regulation so requires. Notwithstanding the time-period required for connection to a public sewer main, the owner of any parcel served by a system that has failed shall take immediate action to address the Failure and abate any health hazard that may be caused by such Failure.
- (2) **Other Use.** The owner of a Building zoned for any other purpose shall have all plumbing connected to a sewer main at the expense of the Building's owner if any part of the parcel, upon which the Building is located, is within 500 feet of a sewer main or the right-of-way in which a sewer main is located.
- (c) **Time to Connect and Connection Charge.** The connection shall be made within six (6) months from the date the owner or occupant of the property receives written notice from the Village or District that a sewer main is available to serve the property and the applicable connection charge shall be paid to the District and Village in accordance with Section 9-4-5 of the Village's Code of Ordinances.
- (d) **Sewerage Charge.** The initial sewerage charge applicable to the property shall be due when the connection to the sewer main is made, or sixty (60) days after written notice of sewer availability is given to the owner or occupant of the property, whichever comes first, whether or not a building on the premises is inhabited or not. This charge shall be

due and payable regardless of whether the connection is made and/or whether the service is utilized once connected. Subsequent charges become due and payable on a quarterly basis.

- (e) **Connection to Manholes Prohibited.** Connections shall be made to the sewer main and not directly to a manhole.
- (f) **Repair and Maintenance.** The property owner shall be responsible for all repair, replacement and maintenance costs associated with the lateral from the sewer main to the building being served.

SEC. 9-4-8 BASIS FOR SEWER SERVICE CHARGES.

- (a) **Basis.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Town of Caledonia to levy and collect charges, rentals, or rates of service upon all the lands, lots, premises and additions served by the sanitary sewerage system of the District.
- (b) **Sewer Customers.**
 - (1) Customers of the sewerage system of the District and additions shall be assessed upon the basis of the following units:

<u>Type Of Customer</u>	<u>Charge Units</u>
a. Single Family Dwelling	1
b. House Trailer	1
c. Multiple Family Dwelling	1 per each living unit
d. Store	1 to 4
e. Tavern	2
f. Bowling Alley	1 for each 4 alleys
g. Hotel or Motel	1 for each 4 rooms
h. Lunch Room	1 to 2
i. Restaurant	1 to 5
j. Garage	1 to 2
k. Gas Station	1 to 2
l. School	1 to each 50 pupils
m. Church	1 to 2
n. Hall	1 to 2
o. Office Building	1 for each rentable tenant space
p. Post Office	1 to 2
q. Barber/Beauty Shop	1
r. Warehouse	1 to 2
s. Club House	1 to 2
t. Shops (Print, Welding, Shoemaker, Blacksmith, etc.)	1 or more
u. Bakery	1
v. Funeral Home	1 to 2
w. Greenhouse	1

x.	Bank	1 to 2
y.	Feed Mill	1
z.	Railroad Depot	1

- (2) Where the number of charge units specified above are variable or in a range, the District shall determine the number of such charge units as to reflect the estimated volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling.
 - (3) Where the customer is not listed above, the District shall determine the number of charge units by (a) estimating the volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling or (b) estimating the volume of sewerage that will emanate from the customer based upon the metered volume of water used by the customer as compared to the usual volume of water used in a single family dwelling.
 - (4) The District may increase or decrease, in its sole discretion, the number of charge units where the above schedule would result in an inequitable charge to the customer and/or would result in an insufficient number of charge units.
- (c) **Amount of Sewer Service Charges.**
- (1) Category A. Customers as defined in s. 9-4-3(c) shall pay a total service charge of **\$109.00/quarter** in Caledonia West Sewer Utility District and **\$89.00/quarter**, effective December 16, 2008, in Caledonia East Sewer Utility District.
 - (2) Category B. Customers as defined in s. 9-4-3(d) shall pay a user charge, as determined by the Districts, based upon (without limitation) the costs of collection, treatment and disposal of wastewater, treatment and disposal of prohibited substances, and/or sampling, measurement and analysis performed by, or on behalf of, the Districts.
- (d) **Operation, Maintenance, and Replacement Fund Accounts.** The annual replacement revenues shall be maintained in a separate account by the District to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for those uses only with the approval of the Approving Authority. All revenues collected for the replacement fund and for operation and maintenance of the wastewater collection facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection facilities. All excess revenues collected from a customer class will be applied to the operation, maintenance, and replacement costs attributable to that class for the next year.
- (e) **Increased Charges.** Customers discharging toxic pollutants shall pay for any increased operation, maintenance, and replacement cost caused by the toxic pollutants, as determined by the Approving Authority.

SEC. 9-4-9 BILLINGS.

- (a) **Calculation of Sewer Service Charges.** Sewer service charges shall be assessed to District sewer customers according to the rates and formulas presented in this chapter.
- (b) **Billing Periods.** Sewer service charges shall be billed by the District to the sewer customers on a quarterly basis.

- (c) **Payment of Sewer Service Charges.** Persons billed by the District for sewer service charges shall pay those charges on or before the 20th day of April, July, October, and January of each year.
- (d) **Collection.** Sewer service charges levied by the District against the sewer customers shall be a debt due to the District and shall be a lien upon the property serviced. In the event the District is unable to collect this debt, it shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- (e) **Right of Entry.** The Approving Authority or 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 Section 66.0119, Wisconsin Statutes.
- (f) **Right to Enter Easements.** The Approving Authority 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 or the Town holds a duly negotiated 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 the easement, all subject to the terms, if any, of the duly negotiated easement.
- (g) **Annual Audit.** The District shall conduct an annual audit, to maintain the proper proportion between customers and customer classes of the sewer service charge system, and to ensure that adequate revenues are available to meet operation and maintenance expenses, replacement costs and/or debt service costs.

SEC. 9-4-10 SEWER CONSTRUCTION AND CONNECTIONS.

- (a) **Permit.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance without first obtaining a written permit from the Approving Authority.
- (b) **Cost of Sewer Connection.** All costs and expenses related to the installation and connection of the building sewer shall be the responsibility of the person. The person shall indemnify the District and the Town of Caledonia from loss or damages that may directly or indirectly result from the installation of the building sewer.
- (c) **Use of Old Building Sewers.** Old building sewers may be used in connection with new buildings, if upon examination and testing by the Approving Authority are found to meet all requirements of this ordinance.
- (d) **Materials and Methods of Construction.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, 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.
- (e) **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.

- (f) **Storm and Groundwater Drains.** No person shall connect roof downspouts, exterior foundation drains, areaway drains, sump pumps, 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. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 10 days of the date of an official written notice from the Town. Any exception to this policy shall be approved by the Approving Authority.
- (g) **Barricades and Restoration.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority.

SEC. 9-4-11 APPEALS/WAIVERS.

- (a) **Procedures.**
 - (1) Any person affected by any decision, action, or determination, including cease, and desist orders, made by the District interpreting or implementing the provisions of this chapter or in any permit issued, may file with the District a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the customer's request for reconsideration. The District shall render a decision on the request for reconsideration to the customer, permit applicant, or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the District is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Town Board. The written appeal shall be heard by the Town Board within forty-five (45) days from the date of filing. The Town Board shall make a final ruling on the appeal within sixty (60) days from the date of filing.

SEC. 9-4-12 VIOLATIONS AND PENALTIES.

- (a) **Written Notice.** Any person found to be violating any provision of this chapter shall be served by the District with a written notice stating the nature of the violation and provided with a reasonable time for its satisfactory correction. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (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 a forfeiture, pay an amount to cover the damage, as established by the District.

- (c) **Continued Violations.** Any person who continues any violation beyond the time limit provided, shall, upon conviction, forfeit not more than \$500 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be subject to further proceedings in accordance with Section 800.095, Wis. Stats. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- (d) **Liability for Losses.** To the extent permitted by law, any person violating any provisions of this chapter shall become liable to the District and the Town of Caledonia for any expense, loss or damage occasioned by reason of such violation which the District or Town may suffer as a result of the violation.
- (e) **Notification.** The District shall be notified immediately by any person becoming aware of any violations that occur.

SEC. 9-4-13 VALIDITY.

- (a) **Superseding Previous Ordinances.** This chapter shall supersede all previous ordinances of the Town as they relate to the sanitary sewer system of the District.
- (b) **Invalidation.** Any section, clause, sentence or provision in the Ordinance determined to be invalid shall not affect the validity of any other section, clause, sentence or provision of this chapter.