

An ordinance creating Chapter 6 Sewer Utility Regulations.

**THE VILLAGE BOARD OF THE VILLAGE OF DOWNING, DUNN COUNTY,  
WISCONSIN DO ORDAIN AS FOLLOWS:**

**Chapter 6. Sewer Utility Regulations**

**§ 6-1. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. "Shall" is mandatory; "may" is permissive.

**BIOCHEMICAL OXYGEN DEMAND (BOD)**

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING DRAIN**

That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER**

The extension from the building drain to the public sewer or other place of disposal).

**VILLAGE**

The Village of Downing, Wisconsin, or any authorized person acting in its behalf.

**COMBINED SEWER**

A sewer intended to receive both wastewater and stormwater or surface water.

**DOMESTIC WASTEWATER**

Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes, and in which the average concentration of suspended solids is established at or below 250 mg/l and the BOD is established at or below 250 mg/l.

**EASEMENT**

An acquired legal right for the specific use of land owned by others.

**FLOATABLE OIL**

Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE**

Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**HOLDING TANK WASTE**

Any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

**INDUSTRIAL WASTES**

The wastewater from industrial processes, trade or business as distinct from domestic or sanitary.

**NATURAL OUTLET**

Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

**OPERATION AND MAINTENANCE COSTS**

All costs incurred in the operation and maintenance of the Village's wastewater treatment works. This class of cost shall include, but not be limited to, labor, energy, chemicals and replacement costs and excludes debt retirement.

**PERSON**

The state or any agency or institution of the state, 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 governmental subdivision or public or private corporation or other entity.

**pH**

The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of  $10^{-7}$ .

**PRETREATMENT**

The treatment of wastewaters to remove or reduce the quantity of one or more pollutants prior to discharge to the Village wastewater treatment works.

**PROPERLY SHREDDED GARBAGE**

The wastes from the preparation, cooking, and dispensing of food that have 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 1/2 inch (1.27 centimeters) in any dimension.

**PUBLIC SEWER**

A common sewer controlled by a governmental agency or public utility.

**REPLACEMENT COST**

Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

**SANITARY SEWER**

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface water that are not admitted intentionally.

**SEWAGE**

The spent water of a community. The preferred term is "wastewater."

**SEWER**

A pipe or conduit that carries wastewater or drainage water.

**SLUDGE**

Any discharge of water or wastewater 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 twenty-four-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

**STORM DRAIN (sometimes termed "storm sewer")**

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

**SUSPENDED SOLIDS**

Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable by a standard glass fiber filter<sup>#1</sup>

**UNPOLLUTED WATER**

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.

**USER CHARGE**

That charge to users of the treatment plant which adequately provides for proportionate recovery of the operation and maintenance costs.

**WASTEWATER**

The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

**WASTEWATER FACILITIES**

The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

**WASTEWATER TREATMENT WORKS**

An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

**WATERCOURSE**

A natural or artificial channel for the passage of water either continuously or intermittently.

**WPDES PERMIT**

The permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System pursuant to Chapter 283 of the Wisconsin Statutes.

**§ 6-2. Use of public sewers required; connections.**

- A. Unsanitary deposits. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village any human or animal excrement, garbage, or objectionable waste.
- B. Discharge to natural outlet. It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Private disposal systems. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. Connection to public sewers.
  - (1) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Village and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Village, is hereby required at the owner's expense to install suitable toilet facilities therein.
  - (2) At such time as a municipal sewer becomes available to a property served by an individual wastewater treatment system as provided in this section, a direct

connection shall be made to the municipal sewer in compliance with this chapter within 90 days after the date of mailing or delivering official notice to do so, and any septic tanks, cesspools and similar individual wastewater collection or disposal facilities shall be abandoned and filled with suitable material at the owner's expense. The notice shall be given to the owner or occupant in writing by the Village Clerk-Treasurer on order of the Board or its designee. The notice to connect to sewer facilities under this section shall also require the owner to hook up to municipal water and pay all associated costs.

- (3) Whenever any owner or occupant fails to comply with such written notice, the Board shall, by resolution, direct that a toilet be installed and connection made with the sewer system and that the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.
- (4) After the installation and connection have been completed pursuant to Board resolution, the Clerk-Treasurer shall serve a written notice of the assessment upon the owner or his representative directing him to pay the assessment to the Clerk-Treasurer within 10 days after the service of the notice. If the assessment is not paid within 10 days, the Clerk-Treasurer shall certify the amount to the County Auditor for collection in the same manner as other special assessments. The Board may, by resolution, spread the assessment over a five-year period.
- (5) Any houses, buildings or properties used for human occupancy, employment, recreation or other purpose, except private garages and storage buildings, where municipal sewer is not available shall be connected to an individual wastewater disposal system complying with all local, county, state and/or federal regulations concerning individual wastewater disposal systems.
- (6) Municipal sewer is deemed available to:
  - (a) Any structure abutting any street, alley or right-of-way in which there is now located a public sanitary sewer of the Village;
  - (b) Any structure within 200 feet of a public sanitary sewer of the Village;
  - (c) Any structure to which connection to municipal sewer service can be done at a reasonable cost; or
  - (d) Any structure required to be connected or deemed to have municipal sewer available by any applicable local, county, state or federal law.

**§ 6-3. Private wastewater disposal.**

- A. Private systems. Where a public sanitary or combined sewer is not available under the provisions of § 6-2, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.
- B. Permit. Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the Dunn County Zoning Administrator and comply with current Dunn County sanitary laws. The Village expressly consents to the enforcement of such laws by the Dunn County Zoning Administrator and other county officials within the Village. Violations of this section may also be prosecuted by the Village.
- C. Inspection. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the approving authority. The approving authority shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the approving authority when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of thereceipt of notice.
- D. Code compliance. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the appropriate administrative codes of the State of Wisconsin. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than that set forth in the Village's or county's subdivision regulations or sanitary codes. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. Connection to public sewer. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 6-2, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter, provided that the septic system is over five years of age. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.
- F. Maintenance. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Village. Sludge removal from private disposal systems is to be performed by licensed operators and disposed of in a manner approved by the Wisconsin Department of Natural Resources. Sludge removal shall be no less frequent than once every three years.
- G. Additional requirements. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Village.

**§ 6-4. Building sewers and connections.**

- A. Permit required. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit.
- B. Permits. A permit for installation of a building sewer shall be considered as part of the building permit and issued by the Village.
- C. Cost. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. Separate building sewers. A separate and independent building sewer shall be provided for every building.
- E. Reuse of existing building sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination, to meet all requirements of this chapter.
- F. Construction and materials. The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements set forth in Ch. SPS 382, Wis. Adm. Code.
- G. Building sewer depth. Whenever possible, 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 discharge carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- H. Exclusion of unpolluted water. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Village or its designee for purposes of disposal of polluted surface drainage.
- I. Building sewer connection. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Village and state. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Village or its designee before installation.

- J. Inspection. The applicant for the building permit shall notify the Village when the building is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Village or its designee.
- K. Barricades and restoration. All excavations for 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 Village.
- L. New connections. New connections to the system shall be allowed only when there is available capacity in all downstream wastewater collection and treatment facilities.

**§ 6-5. Sewer service installation, repair and replacement.**

- A. Laterals. The property owner will be responsible for replacing the lateral from the main to the property line if the cause is due to normal use and/or age. The property owner will be responsible for keeping the lateral to the main open and is directed to notify the Department of Public Works of any clogged pipe and allow sufficient time for the Department to check the connection sewer main before attempting any means of opening the building sewer.
- B. Services. The property owner will be responsible for replacing and keeping the service pipe open from the main to the property owner's building. The property owner is directed to inform the Department of Public Works of any clogged pipe before attempting any means of opening the building sewer. The Department will not be responsible for any expenses incurred by the property owner in attempting to open a building sewer when the Department had not been notified and allowed sufficient time to check the sewer main. The Village will not be responsible for any expenses incurred by the property owner in unclogging a building sewer when the connecting sewer main is open. Any construction within any street right-of-way or any public easement shall occur only upon issuance of any permits required under other provisions of the Village Code and upon notice to the Director of Public Works and/or Village Engineer sufficient to allow his supervision and inspection.
- C. Damage recovery. The Village shall have the right of recovery from all persons, partnerships, corporations, organizations, associations or groups of any expense or increased cost incurred by said sewer system for the operation, maintenance, repair or replacement of any aspect of the sewer system because of any act, whether intentional or inadvertent, by said persons, partnerships, corporations, organizations, associations or groups.



**§ 6-6. Use of public sewers; regulation of discharges.**

- A. Unpolluted water discharge prohibited. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except that stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Village.
- B. Allowable discharges. Stormwater other than that exempted under Subsection A above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Village and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the Village or other regulatory agency to a storm sewer, combined sewer, or natural outlet.
- C. Prohibited discharges. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32° and 150° F. (0° and 65° C.).
  - (2) Any solids, liquids or gases which by themselves or by interaction with other substances may cause fire, explosion, or hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the wastewater treatment works.
  - (3) Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in the collection system or storm sewers or interfering with the proper operation of the wastewater treatment works.
  - (4) Any garbage that has not been properly comminuted or shredded. Garbage grinders may be connected to sanitary sewers from homes, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (5) Any noxious or malodorous substance which, either singly or by interaction with other substances, is capable of causing odors objectionable to persons of ordinary sensitivity.
  - (6) Any wastes or wastewater having a pH lower than 5.5 or higher than 10 or having any corrosive property capable of causing damage or hazards to the wastewater treatment works or personnel.

- (7) Any waste or wastewater of such character and quantity that unusual attention or expense is required to handle it in the wastewater treatment works.
- (8) Any wastewater or wastes containing a toxic or poisonous substance, such as plating or heat treating wastes, in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals or to create any hazard in the wastewater treatment works or which would cause the City of Glenwood City's wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
- (9) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards handbooks dealing with the handling and release of radioactivity.
- (10) Free or emulsified oil and grease exceeding on analysis an average of 100 milligrams per liter of either, both or combinations of free or emulsified oil and grease, if in the opinion of the Director of Public Works it appears probable that such wastes or wastewater:
  - (a) Can deposit grease or oil in the collection system in such manner to cause it to clog.
  - (b) Is not amenable to bacterial action and shall therefore pass to the receiving waters without being affected by normal wastewater treatment processes.
  - (c) Can have deleterious effects on the wastewater treatment process due to the excessive quantities.
- (11) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 0.5 milligram per liter by weight as cyanide in the wastes.
- (12) Wastes or wastewater which:
  - (a) Causes unusual concentrations of solids or composition, for example, in total suspended solids of inert nature, such as fuller's earth, lime slurries and lime residues, and/or in total dissolved solids, such as sodium chloride or sodium sulfate.
  - (b) Causes excessive discoloration in the discharge of the wastewater treatment facilities.
  - (c) Has flow characteristics or pollutant loadings in excess of the limits established in the permit for a user.
  - (d) Is discharged without application for a permit.
  - (e) Causes damage to the collection system or impairs the treatment process.

D. Limited discharges. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not constitute a nuisance. The Village may set limitations lower than the limitations established in the regulations below if in its opinion such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Village or its designee will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the City of Glenwood City's wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Village are as follows:

- (1) Wastewater having a temperature higher than 150° F. (65° C.).
- (2) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Village for such materials.
- (3) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.

E. Alternatives to acceptance of wastewater.[4]

- (1) If any water or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D, and which in the judgment of the Village or its designee may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:
  - (a) Reject the wastes;
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (c) Require control over the quantities and rates of discharge; and/or
  - (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (2) When considering the above alternatives, the Village shall give consideration to the economic impact of each alternative on the discharger. If the Village permits the pretreatment or equalization of waste flow, the design and installation of the plants and equipment shall be subject to the review and approval of the Village or its designee.

- F. Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.
- G. Maintenance. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
- H. Control manholes. When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Village. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- I. Information which may be required. The Village may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period.
  - (2) Chemical analysis of wastewaters.
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
  - (5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  - (6) Details of wastewater pretreatment facilities.
  - (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

- J. Method of analysis. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location times, duration and frequencies are to be determined on an individual basis subject to approval by the Village.
- K. Accidental discharge of prohibited wastewater. All discharges shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Dischargers shall notify the Village immediately upon the occurrence of an accidental discharge, including the location of the discharge and the type, concentration and volume of the discharge. Within 15 days of the discharge, a detailed written statement describing the cause of the discharge and the measures taken to prevent future occurrences shall be submitted to the Village. The dischargers will be liable for any expense, loss or damage to the treatment works caused by the discharge in addition to any fines imposed by the Village pursuant to this chapter.
- L. Dilution. No discharge shall increase the use of potable or process water in any way or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- M. Discharge of holding tank wastes. No person shall discharge holding tank wastes into the Village wastewater facilities without obtaining approval from the Village. The Village shall determine appropriate charges and direct such discharges.
- N. Special agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment. The Village may also contract with users or other municipalities.
- O. User charges.
- (1) The Village shall establish user charges to generate sufficient revenue to offset the total cost of operation and maintenance, all or a portion of debt retirement, and the total cost of the previous year's operating debt of its wastewater treatment facility, pumping station, and collection system. The Village shall determine the portion of debt service to be paid by user charges. The user charges shall distribute the costs proportionately among users and user classes. All wastewater customers shall be notified annually of the wastewater rates. The notification shall indicate that portion of the rate which is applicable to operation and maintenance expenses. If excess revenues are collected from a particular user class, the excess revenues shall be applied to reduce the user charge for the same user class the following years. The Village shall review wastewater contributions of its users and align its revenue system to recover actual costs at least biennially.

- (2) A separate and distinct replacement fund shall be maintained. Current user charges are on file with the Village Clerk-Treasurer.
- P. Utility responsibility. It is expressly stipulated that no claim shall be made against the Village by reason of the breaking, clogging, stoppage, or freezing of any service pipes nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within the Village, the Village Clerk-Treasurer shall, if practicable, give notice to each and every customer within such affected district of the time when such service will be so shut off.

**§ 6-7. Protection from damage.**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this section shall be subject to immediate arrest under charge of disorderly conduct.

**§ 6-8. Powers and authority of inspectors.**

- A. Right of entry. Duly authorized employees or representatives of the Village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
- B. Right to information. Duly authorized employees or representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. Liability. While performing the necessary work on private properties referred to in Subsection A above, the duly authorized employees or representatives of the Village shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury to or death of the Village employees, and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 6-6H.
- D. Easements. Duly authorized employees or representatives of the Village bearing proper credentials and identification shall be permitted to enter all private properties

through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.


**§ 6-9. Violations and penalties; appeals**


- A. Notice of violation. Any person found to be violating any provision of this chapter except § 6-7 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time state in such notice, permanently cease all violations.
- B. Penalty. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be subject to a penalty as provided in § 1-4 of this Code. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Liability. Any person violating any of the provisions of this chapter shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.
- D. Right of appeal. Any discharger or agent of the discharger shall have the right to appeal an interpretation or ruling by the Village on any matter covered by this chapter. This discharger or his agent shall be entitled to a hearing before the Board of the Village for the purpose of appeal. Such a meeting shall be promptly scheduled by the Village upon receipt of a written appeal from the discharger.
- E. Stay of enforcement. In the event that such appeal deals with matters of performance or compliance with this chapter to which enforcement activity relating to an alleged violation is subject, receipt of a discharger's written appeal shall stay all enforcement proceedings pending the hearing before the Board. Appeal on a final judgment by the Village entered pursuant to this chapter may be taken in accordance with the law of the State of Wisconsin.

Passed, Approved and Adopted by the Village Board of the Village of Downing this 8 day of November, 2021.

Yes  No  Absent  Abstain

VILLAGE OF DOWNING

By:   
Greg Holder, Village President

Attest:   
Jennifer Lagerstrom, Village Clerk