

Town of
Liberty Grove, Door County, Wisconsin
Utilities Ordinance 5-19

June 19, 2019

Notes:

1. Duties that have been delegated to the Utility District #1 Commission are referred to as duties of the District.
2. Items that refer to ownership, cost, etc. are referenced to the Town Board as the Utility District Commission is a part of the Town Government and not a separate legal entity by State Statutes.
3. The Utility District maintains separate fund accounts for operation of the District by State Statutes.
4. The Town clerk/administrator is referenced as a contact point as being available at the Town office during office hours.

Utility Ordinance

Table of Contents

Section 1 General Intent.....	1
Section 2 Definitions.....	1
Section 3 Violations and Penalties	3
Section 4 Amendments.....	4
Section 5 Sewer and Water System Requirements; Management Operation and Control	4
Section 6 Sewer and Water User Rules and Regulations	5
Section 11 Control of Industrial and Septage Wastes	10

UTILITIES ORDINANCE 6-12 IS HEREBY REPEALED.

Section 1 General Intent.

The general intent of this ordinance is to provide rules for the Utility District sewer and water system, and the abandonment of private wells in the District, all by replacing Utilities Ordinance 1-10.

Section 2 Definitions.

Unless the context specifically indicates other wise, the meaning of terms used in this ordinance shall be as follows:

Approving authority means the Town Board or its duly authorized committee, agent or representative.

Backflow means:

- (1) A flow condition, induced by a differential in pressure that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source.
- (2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Biochemical oxygen demand (BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD shall be made according to procedures set forth in the most recent edition of "Standard Methods."

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from oil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer means the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

Cross connection control means a program for protecting the public water system from contamination due to the backflow of contaminants through the water service connection into the public water system.

Debt service charges means all costs associated with the repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.

Floatable oil means 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 or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

Ground garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be no greater than one half inch in any dimension and will be carried freely in suspension under normal flow conditions in public sewers.

Improperly constructed well means a well or pump installation that does not comply with the provisions of Wis. Admin. Code Chapter NR 812 in effect at the time of construction of the well, at the installation of a contamination source, at the installation of the pump or completion of work on the well or pump installation.

Incompatible pollutants mean wastewater or septage with pollutants that will adversely effect or disrupt the wastewater processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

Industrial waste means the wastewater from industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

Laterals (service lateral) means:

- (1) A ditch, pipe or other conduit entering or leaving a water main from the side.
- (2) A sewer that discharges into the main sewer or other sewer branch.

Licensed disposer means a person holding a license under Wis. Stats. § 281.49(1)(a).

Meter means an instrument installed to measure the volume and/or rate of flow of water delivered through it.

Municipal wastewater means the spent water of a community. The wastewater may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, with any groundwater, surface water and storm water that may be present.

Natural outlet means any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Normal domestic strength wastewater means wastewater with concentrations less than 300 mg/l BOD, 250 mg/l suspended solids and 12 mg/l phosphorus.

Normal user means a user whose contributions to the wastewater treatment facility consist only of normal domestic strength waste originating from a house, apartment, condominium or other living quarters occupied by a person or persons making up a distinct household, business or commercial enterprise.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flows, shall be divided proportionately among the various sewer users according to their equivalent user factors.

Parts per million means a weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means any person, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency or other entity.

pH means 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 seven and a hydrogen ion concentration of 10⁻⁷.

Potable water means water that does not contain objectionable pollution, contamination, minerals or infective agents and is considered satisfactory for domestic consumption.

Public sewer means any sewer provided by or subject to the jurisdiction of the Utility District.

Pump installation means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

Replacement costs means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses and operation and maintenance costs, including replacement of such facilities.

Sanitary district is an entity formed under sec. 60.71, Wis. Stats., to manage fresh water, wastewater and stormwater throughout the entire Town.

Sanitary sewage means a combination of liquid and water carried wastes discharged from toilets and/or sanitary

plumbing facilities, with such groundwater, surface water and storm water as may be present.

Sanitary sewer means a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, with small quantities of groundwater, storm water and unintentionally admitted surface water.

Septage means scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

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

Sewer service areas means the areas presently served and anticipated to be served by a sewage collection system. State regulations (Wis. Admin. Code NR § 121.05) require that water quality management plans delineate sewer service areas for urban areas with a population of over 10,000. Approved facility plans contain less detailed sewer service areas for communities under a population of 10,000.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of use related capital expense and operation and maintenance costs, including replacement of such facilities.

Sewerage system means as defined in Wis. Stats. § 281.01(14).

Shall means mandatory; may means permissible.

Slug load means any substance released at a discharge rate and/or concentration that causes interference to the wastewater treatment processes.

Standard methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm drain (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Storm water runoff means that portion of the rainfall that drains into sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, septage or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods" and is called non-filterable residue.

Unpolluted water means water of a quality equal or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

Unsafe well means a well or pump installation that produces water contaminated bacteriologically or water contaminated with substances in exceedance of the standards of Wis. Admin. Code NR Chapter 109 or Chapter 140 or for which a health advisory has been issued by the state department of natural resources.

Unused well means a well or pump installation that is not in use or does not have a functional pumping system.

USEPA means the United States Environmental Protection Agency.

User/customer means any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, government agency, political entity, etc., provided with water and/or sewer service by any water and/or sewer public utility.

Utility District or District means the portion of the Town with sanitary sewer and water services as has been designated a Utility District by the Town Board, and also the Commission assigned to manage the District by the Town Board.

Utility Manager means the person responsible for managing the fresh water supply system, the waste water collection system and the Waste Water Treatment Plant.

Utility means a public or private concern engaged in the performance of some useful service, such as furnishing water, gas, electricity or sewer facilities.

Wastewater facilities means the structures, equipment and processes required to collect, carry away, store and treat domestic and industrial wastes and septage and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, septage, industrial wastes and sludge. Sometimes used synonymously with waste treatment.

Water main means the water pipe, located beneath a street, right-of-way or easement from which domestic water supply is delivered to the service pipe (lateral) leading to specific premises.

Water supply means:

(1) The sources of water for public or private uses. When United States Environmental Protection Agency standards have been met, the supply is termed "an approved water

supply";

(2) The furnishing of good potable water under satisfactory pressure for domestic, commercial, industrial and public service and an adequate quantity of water under reasonable pressure for firefighting.

Water system means as provided in Chapter NR 811.02(25), Wisconsin Administrative Code. Collectively, all of the property involved in the operation of the water utility, including land, water lines and appurtenances, pumping stations, treatment plants and general property.

Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

Well means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for obtaining groundwater for consumption or other use.

Well abandonment means the filling and sealing of a well according to the provisions of Wis. Admin. Code Chapter NR 812.

Wisconsin Pollutant Discharge Elimination System (WPDES) Permit means a document issued by the state department of natural resources that establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

WDNR means the Wisconsin Department of Natural Resources.

WPSC means the Wisconsin Public Service Commission that governs the rates, rules and regulations of the Town water utility.

Section 3 Violations and Penalties.

3(a) *Damages and accidental discharge.*

3(a)(1) Damages. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure of pertinence or equipment that is a part of the sewer system or water system.

3(a)(2) Accidental discharge. Any person found responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the treatment facility and/or receiving body of water shall, besides a fine, pay the amount to cover damages, both values to be

established by the Town.

3(b) *Written notice of violation.*

3(b) Any person connected to the sewerage system or water system found violating a provision of this ordinance shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction of it. If the person does not correct the violation within the time set by the Town, then the person shall be liable for the penalties set forth in subsection (e) of this section from the day of first violation. The offender shall, within the period stated in such notice, permanently cease all violation.

3(c) *Liability to Town for losses.* Any person violating any provision of this chapter shall become liable to the Town for any expense, loss or damage occasioned because of a violation that the Town may suffer as a result of it.

3(d) *Damage recovery.*

3(d)(1) The Utility District shall have the right of recovery from all persons an expense incurred by such utility for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control or by any negligent acts.

3(d)(2) The Utility District shall have the right of recovery from all persons any expense incurred by such utility for the repair or replacement of any water pipe, curbcock, gate valve, hydrant or valve box damaged in any manner by any person by the performance of any work under their control or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the Utility District will not be responsible for the damage to the motor vehicle because of such accident.

3(e) *Penalties.* Any person who shall violate any of the provisions of this chapter shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution (pursuant to Wis. Stats. § 66.0114). This, however, shall not bar the Town from enforcing the connection duties set out in subsection 6(c) for mandatory hookup. Compliance with this chapter may also be enforced by injunction order at the suit of the Town to prevent or cause the discontinuance of a violation of any of the provisions of this chapter.

3(f) *Continued violation.* Any person, partnership, corporation or any officer, agent or employee thereof who shall continue any violation beyond the notice time limit provided shall, upon conviction, forfeit not less than \$500.00 per day of continued violation with the costs of prosecution. In default of payment of forfeiture and costs, such violator shall be imprisoned in the county jail for a period not to exceed five days. Each day in which any violation is

continued beyond the notice time limit shall be deemed a separate offense.

Section 4 Amendments.

This ordinance is subject to amendment by the Town Board.

Section 5 Sewer and Water System Requirements; Management Operation and Control.

5(a) *Generally.* The management operation and control of the sewer and water systems of the District are vested in the Town Board and delegated to the Utility District Commission. All records, minutes, financial records and all written proceedings of the Utility District Commission shall be kept by the Town clerk/administrator. The sewer and water systems are further regulated by the state department of natural resources. The water system is a separate utility established according to the state public service commission and is by that subject to the rules and established rate file of the commission. A copy of the current rate file is available at the administrator's office and the Sewer and Water Utility Office. Besides the rules established by this ordinance, all applicable county, state and federal rules shall be followed as they pertain to the sewer and water systems.

5(b) *Construction.* The board has the power to construct sewer and water lines for public use and has the power to lay sewer and water pipes in and through the alleys, streets and public grounds of the Town; and generally, to do all such work as may be found necessary or convenient in the management of the sewer and water systems. The board has power by itself, its officers, agents and servants to enter upon any land for making examination or supervise in the performance of its duties under this ordinance without liability therefore; and the board has power to purchase and acquire for the Town all real and personal property that may be necessary for construction of the sewer and water systems or for any repair, remodeling or additions thereto.

5(c) *Maintenance of services.* The owner shall maintain sewer and water services from the street main to the house including all controls between the street main and the house, without expense to the Town, unless they are damaged by the Town. All claims for damage by the Town must be made by the owner to the Town according to applicable law. All sewer and water services must be maintained free of defective conditions by and at the expense of the owner or occupant of the property. When any sewer and water services are to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and new sewer and water services shall be installed for each building.

5(d) *Condemnation of real estate.* Whenever any real estate or any easement therein, or use of it, shall in the

judgment of the board be necessary to the sewer and water systems, and whenever, for any cause, an agreement for the purchase of it cannot be made with the owner, the board may easement or use, by condemnation according to statute and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

5(e) *Title to real estate and personalty.* All property, real, personal and mixed, acquired for the construction of the sewer and water systems, and all plans, specifications, diagrams, papers, books and records connected with such sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the Town.

Section 6 Sewer and Water User Rules and Regulations.

6(a) *Purpose.* The Town of Liberty Grove is committed to providing clean drinking water to all of its residents, in particular to the customers of the District's Water Utility. The Town Board finds and determines that improperly constructed, unused or improperly abandoned private wells are a known pathway for the entrance of contaminants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined that cross connecting of private wells and municipal water sources may lead to contamination. Contamination of the District's water supply would severely and adversely affect the health, safety and general welfare of Town residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is necessary and in the public interest that all wells within the limits of the District, whether existing or hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandonment as set forth in this section.

The rules and regulations of the District concerning sewer and water users in this chapter shall be considered a part of the contract with every person, company or corporation who is connected to or uses the District sewer and water systems, and every person, company or corporation by connecting with the sewer system shall be considered as expressing his/her or their assent to be bound. In addition, these rules and regulations of the District in this chapter shall apply to all properties, persons, companies or corporations who use wells, septic systems and holding tanks in the District not currently receiving service from the District.

The Town Board reserves the right to change the rules and regulations from time to time, as it may deem advisable; and to make special rates and contracts in all proper cases. Persons connected to the sewer and water systems of the District are referred to in this chapter as "users." This ordinance ordains that the failure to connect to the sewer and water system is contrary to the minimum health standards of the District and fails to ensure preservation of public health, comfort and safety of District residents.

proceed with all necessary steps to take such real estate,

6(b) *Plumbers.* No plumber, pipe fitter or other person will be permitted to do any plumbing or pipefitting work related to the sewer or water system without first receiving a license from the State. All service connections to the sewer main or water main shall comply with the State plumbing code. The Town herein adopts by reference Chapter COMM. 82, Wisconsin Administrative Code, of the State Plumbing Code. This section does not supersede the State Plumbing Code and other Town construction ordinances, but is supplementary to them.

6(c) *Mandatory hookup*

6(c)(1) The owner of each parcel adjacent to sewer and water mains on which there exists a building usable for human occupation, or in a block through which utility systems extend, shall connect to the systems. Once the new system is placed in service the property owner will receive a written notice that they must connect within 180 days from that notice. Once 180 days have lapsed and the property has not connected to the system the District may provide a second written notice that the District is commencing the process to undertake the work and will bill the property owner for the costs including all administrative and staff expenses. Costs not paid within 30 days shall be assessed as a special tax lien against the property. The owner may within 30 days after the completion of the work file a written option with the Town clerk/administrator stating that he/she cannot pay the amount in one sum and ask that it be levied in no more than five equal annual installments and that the amount shall be so collected with interest at prime rate plus 7 percent maximum per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wisconsin Statutes § 281.45.

6(c)(2) Instead of the provisions of subsection 6(c)(1) of this section, the District at its option may impose a penalty for the period that the violation continues, after ten days written notice to any owner failing to make a connection to the sewer and water systems, of an amount equal to four times the minimum quarterly charge for the sewer, fire protection and water service payable quarterly for the period in which the failure to connect continues, and, upon failure to make the payment, a charge shall be assessed as a special tax lien against the property, all pursuant to Wisconsin Statutes § 281.45.

6(d) *Private Wells in General* To prevent unused, unsafe and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater, these wells must be properly maintained or filled and sealed. Section NR 811.10, Wisconsin Administrative Code, provides that a municipal water system shall require abandonment of all

unused, unsafe or non-complying private wells located on premises served by the water system. All properties within the District limits shall be governed by this section. All property owners must obtain a well permit as specified below in order to operate or utilize a well.

6(d)(1) *Private Well Abandonment Requirements.*

6(d)(1) a. Any private well which is unused, unsafe or non-complying and which serves any premises required to be connected to a water main under Section 6(c)(1) of this ordinance shall be permanently abandoned within six months after connection of the premises to the water system, unless a well operation permit has been obtained by the well owner pursuant to subsection 6(d)(2) below. Abandonment shall be conducted by filling and sealing in accordance with the provisions of Chapter NR 812 Wisconsin Administrative Code. It shall be the responsibility of the land-owner of any real property upon which a well is located to see to it that all wells located on the owner's property have been properly abandoned in accordance with the procedures of Wisconsin Administrative Code Chapter NR 812, regardless of whether the owner has used the well. Upon discovery of any unused or previously abandoned well, the owner shall notify the District by notice to the Utility Manager and comply, insofar as is practicable, with the procedures of this section. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the District, compliance with this section may be deemed satisfied. The determination shall be at the discretion of the Utility Manager upon considering the present and future possibility of ground water contamination at the well site.

6(d)(1) b. The owner of the well or the owner's agent who will conduct the abandonment shall notify the District by advising the Utility Manager at least two business days prior to commencement of any well abandonment activities so that the District may observe the abandonment.

6(d)(1) c. Wells must be abandoned by licensed well drillers and or pump installers.

6(d)(1) d. Wells to be abandoned shall be filled according to the procedures outlined in Wisconsin Administrative Code Chapter NR 812. The pump and piping must be removed and the well checked for obstructions before plugging. Any obstruction or liner must be removed. A well abandonment report must be submitted by the well owner to the State Department of Natural Resources on forms provided by that agency and a copy provided to the District. The report shall be submitted immediately upon completion of the filling of the well.

6(d)(2) *Permit for wells for outdoor or agricultural watering for properties served by District Utilities.*

6(d)(2) a. Any owner of a private well which is required to

be permanently abandoned pursuant to section 6(d)(1)(a) above shall apply to the District for permission to maintain the well in good operating condition for the sole purpose of providing water for filling swimming pools, lawn or garden watering or other similar agricultural purpose, provided that the well continues to pass all tests required for private wells and the owner shall agree to pay the cost of abandonment when the well shall be permanently abandoned.

6(d)(2)b Every owner of a private well which was in existence on January 1, 1990, that serves premises also served by the municipal water system and who wants to continue to use the well shall obtain a permit for the use of the well from the District within 90 days from the effective date of this section 6(d)(2) determined to be February 3, 2010). Drilling new private wells that will be used under the circumstances described in this subsection may not commence until a permit for the excavation of the private well has been granted in accordance with the terms of this section.

6(d)(2) c. Applications for a permit for the excavation or use of a private well under this section shall be made in writing by the owner or owners of the well to the Utility Manager on forms provided by the District. A \$50 processing fee shall accompany any private well excavation or renewal permit application. A permit shall be granted to a well owner to operate a well for a period not to exceed five years if the requirements of this subsection are met. Failure to obtain an initial or renewal permit will result in a late permit fee of \$100 plus the penalties in section 6(d)(6). Permit applications shall be made and submitted on forms provided by the District. Permits and permit renewals will be granted under this section only for wells and pump installations where:

6(d)(2) c,(1) No physical connection shall exist between the piping of the public water system and the private well.

6(d)(2) c,(2) Bacteriologically safe water is evidenced by at least two samples taken a minimum of two weeks apart.

6(d)(2) c,(3) There are no known exceedances of the preventive action limits (PALs) set forth in Chapter NR 140, Wisconsin Administrative Code.

6(d)(2) c,(4) The well and pump installation shall be inspected and shall meet the requirements of Wisconsin Administrative Code Chapter NR 812 in effect at the time of the well construction and pump installation. A well constructor's report shall be on file with the State Department of Natural Resources or Certification of the Acceptability of the well shall have been granted by the private water supply section of the State Department of Natural Resources.

6(d)(2) c,(5) The proposed use of the well can be justified as necessary in addition to water provided by the public

water system.

6(d)(4) *Permit for new wells for properties served by District Utilities.*

6(d)(4) a. After January 1, 2009, the drilling of new private wells that will be used under the circumstances described in this section may not commence until a permit for the excavation of the private well has been granted in accordance with the terms of this section.

6(d)(4) b. A section 6(d)(4)(a) well permit will be for a period of five years upon issuance and the initial permit shall cost \$50. Failure to obtain a permit will result in a late permit fee of \$100 plus the penalties in section 6(d)(6). Permit applications shall be made and submitted on forms provided by the Utility Manager.

6(d)(4) c. The well owner or operator shall annually provide the District with written evidence that the well produces bacteriologically safe water as evidenced by at least one sample. The report shall be submitted during the period June 1 — September 1 of each year. If the well does not meet the safe water requirements or is unsafe the owner must either repair or replace the well. However, prior to undertaking any repairs or replacement of the well the property owner must meet with the Utility Manager to determine if the proposed repairs or replacement would solve the contamination problem or if some other course of action is more practical.

6(d)(5) *Additional conditions of well permit.* The right to construct, install and maintain a well as authorized by permit under this section shall be expressly conditioned upon the owners and successors in interest complying with the following:

6(d)(5) a. The owner shall permit the District access to the well for inspection and testing at any time during normal working hours. If entry is refused, the well permit is revoked and the owner shall proceed with abandonment as specified above. On request, the owner, lessee or occupant of any property so served shall furnish to the inspector any pertinent information regarding the piping system on the property.

6(d)(5) b. No repair or modification of any well may be performed unless done by a properly licensed individual. At least one business day notice to the District prior to undertaking the repairs is required so the work may be inspected. Any and all plumbing code permits as required shall also be obtained prior to undertaking any work.

6(d)(5) c. The District shall have the right to sample the water after completion of any repairs or modifications. The sampling shall be at the owner's cost and may either be done by the District or by the owner at the District's direction.

6(d)(5) d. The District shall have the right to randomly test or to direct the owner to test the well not more than two

times in any six-month period. The District may require additional testing if there is reason to believe some contamination may be present or that the results of previous tests may be invalid. The District at its option may require testing for contaminants to include microbiological, radioactive, inorganic, synthetic organic, pesticides, herbicides and volatile organic substances. The Utility Manager shall report the results of testing and the resulting remedial action to the DNR on an annual basis. If the test results suggest that a severe or area wide problem exists the Utility Manager shall notify the DNR immediately.

6(d)(5) e. The cost of any testing and sampling as provided in this section shall be paid by the owner upon invoice by the District.

6(d)(5) f. A permit issued in accordance with the provisions of this section shall be revoked by the Utility Manager upon notice to the permittee that any of the following have occurred:

6(d)(5) f, 1. The owner of the well has refused access to a well for testing or has failed to follow a direction of order of the District in regard to testing or sampling.

6(d)(5) f, 2. The owner of any well has neglected to pay for any tests authorized with 30 days of billing or invoice.

6(d)(5) f, 3. Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.

6(d)(5) f, 4. The parties aggrieved by permit revocation may appeal the initial decision of the Utility Manager to the District by filing a written petition for review with the Town clerk/administrator.

6(d)(6) *Penalties.*

6(d)(6) a. This ordinance may be enforced by the issuance of a citation to any violator of this ordinance by the Town clerk/administrator, by any state officer with police powers or any other duly appointed law enforcement officer of the Town. Any well owner violating any provision of this section shall, upon conviction, be punished by forfeiture of not less than \$100 and not more than \$500 and shall also pay the costs of prosecution. Each day of violation is a separate offense.

6(d)(6) b. Failure to abandon any well after revocation of a permit to follow the provisions of Wisconsin Administrative Code Chapter NR 812, in abandoning the well is hereby deemed a public nuisance, and the Town may cause the well to be properly abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.

6(d)(6) c. In addition to any enforcement by forfeiture action, the Town may obtain injunctive relief to prevent, enjoin, abate or remove the violation and may take such other action as is necessary to abate, correct or remove any violations.

6(d)(6) d. Whenever any of the rules and regulations, or others as the Town may hereafter adopt, are violated, the use of service shall be shut off from the building or place of violation (even if there are two or more parties receiving service through the same connection) and shall not be re-established except by order of the Town Board and on payment of all arrears, the expenses and established charges of shutting off and putting on and other terms as the Town Board may decide. With the violation, the Town Board, furthermore, may declare any payment made for the service by the parties committing the violation, to be forfeited, and the payment shall then be forfeited.

6(d)(6) e. The Utility Manager may discontinue water service to any property wherein any connection in violation of this section exists, if the Utility Manager reasonably believes that a cross connection may contaminate the municipal water system. The Utility Manager may also take 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 Chapter 68, Wisconsin Statutes, except as provided in subsection 6(d)(6) f below. Water service shall not be restored until the matters in violation of this section have been eliminated and the private well and plumbing brought into compliance with the provisions of this section or adequate assurance is given the Utility Manager in its discretion that this section will be complied with in a timely manner.

6(d)(6) f. If it is determined by the Utility Manager that a failure of compliance with this section endangers the public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Utility Manager and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of an emergency discontinuance.

6(e) *Private wastewater systems prohibited.* The maintenance and use of septic tanks and other private sewage disposal systems within the area the Town services by its sewer system are declared a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the Town serviced by the sewerage system is prohibited.

6(f) *Application for initial sewer and water service.* Every person connecting with the sewer and water systems initially shall file an application in writing to the Utility Manager in such form as is prescribed for that purpose. Blanks for such application will be furnished at the office of the Utility

Manager and the Sewer and Water Utility Office. The application must state fully and truly all the uses the applicant intends to make of the sewer and water systems. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. If it appears that the service applied for will not provide adequate service for the contemplated use, the Utility Manager may reject the application. If the Utility Manager approves the application, it shall issue a permit for services as shown on the application.

6(h) *User to keep in repair.* All users shall keep their own sewer service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. The service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain of the building to the sanitary sewer main.

6(I) *Backflow preventor.* All floor drains shall have a backflow prevention valve installed at the owner's expense.

6(j) *User use only.* No user shall allow others or other services to connect to the sewer or water system through his lateral.

6(k) *Vacating of premises and discontinuance of service.* Whenever premises served by the system are to be vacated, or whenever any person wants to end service from the system, the Town clerk/administrator and Utility Manager must be notified in writing. Upon such notification, the Utility Manager will cause an inspection to be made of the system. If any damages are discovered having occurred to the system, other than through the fault of the system itself, or Town employees, representatives or agents, the owner of the premises shall be liable for such damages.

6(l) *User to permit inspection.* Every user shall allow the board or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate.

6(m) *Damage and repairs.* No claim shall be made against the Town or acting representative due to 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 here reserved to cut off the service any time for repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer or water service within any area of the Town, the Utility Manager shall, if practicable, give notice to every consumer within the Town, of the time when such service will be shut off.

6(n) *Water cross connection control.*

6(n)(1) No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals so there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. No interconnection shall be established so potable water from a private, auxiliary or emergency water supply other than the regular water supply of the Town may enter the supply or distribution system of the Town, 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 Manager and by the state department of natural resources.

6(n)(2) It is the duty of the Town to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the board and as approved by the state department of natural resources.

6(n)(3) Upon presentation of credentials, the Utility Manager shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Town for cross connections. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property.

6(n)(4) The Town shall cease water service to any property in which any connection violating this ordinance exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the water system. Water service shall be ceased only after reasonable notice and opportunity for hearing under Wis. Stats. Chapter. 68, except as provided here. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this ordinance.

6(n)(5) If it is determined by the 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 by the Utility Manager and delivered to the customer's premises, service may be immediately ceased. The customer shall have an opportunity for a hearing under Wis. Stats. Chapter. 68 within ten days of emergency discontinuance.

6(o) *Prohibitions against discharge to sewer* No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer or to the wastewater treatment facility:

6(o)(1) Any stormwater, surface water, groundwater, roof run off, sump pump, surface drainage, or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with written permission of the Town.

6(o)(2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances that by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way harmful to persons, property or the operation of the wastewater facilities.

6(o)(3) Any waters or wastes containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant or interference with the disposal of sludge

6(o)(4) Any waters or wastes having a pH lower than six or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the wastewater facility.

6(o)(5) Any waters or wastes having a pH more than nine.

6(o)(6) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

6(o)(7) Any discharge into the sanitary sewerage system that is violating the requirements of the WPDES permit and the modifications of it.

6(o)(8) Wastewater having a temperature higher than 150 degrees Fahrenheit or cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.

6(o)(9) Any waters or wastes which may contain more than 100 parts per million by weight of oils, fat or grease.

6(o)(10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for consumption on

the premises or when served by caterers.

6(o)(11) Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the Town for such materials.

6(o)(12) Any waters or wastes containing odor producing substances exceeding limits that may be established by the Town.

6(o)(13) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Town complying with applicable state or federal regulations.

6(o)(14) Quantities of flow, concentrations or both that form a slug load as defined in this chapter.

6(o)(15) Incompatible pollutants containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

6(o)(16) Any waters or wastes that, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.

6(o)(17) Materials, which exert or cause:

6(o)(17) a. Unusually high BOD's, chemical oxygen demand or chlorine requirements, such as, but not limited to, when in such quantities as to form a significant load on the wastewater treatment facility.

6(o)(17) b. Unusual flow or concentrated wastes forming a slug load as defined in this chapter.

6(o)(17) c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

6(o)(17) d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

6(p) *Special wastewater agreements* No statement contained in this ordinance shall be construed as prohibiting any special agreement between the Town and any person by which an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, if there is no impairment of the functioning of the wastewater treatment facility due to the admission of the wastes and no extra costs are incurred by

the Town without recompense by the person, if all rates and provisions set forth in this chapter are complied with.

6(q) *Wastewater permit required* It shall be unlawful to discharge to any natural waterway within the Town or in any area under the jurisdiction of the Town any sewage or other polluted waters without first obtaining a WPDES permit.

6(r) *Abandoned water connection* Whenever any connection to the Water System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must remove any pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Utility District during normal working hours before burial takes place. If proper abandonment is not performed the Utility District may authorize this work done and billed back to the property owner or placed on the tax roll as a special assessment or fee.

6(s) *Abandoned sewer connection* Whenever any connection to the Wastewater Collection System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must expose the line at the property line, disconnect and permanently cap the pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Utility District during normal working hours before burial takes place. If proper abandonment is not performed the Utility District may authorize this work done and billed back to the property owner.

6(t) *Water Lateral Installation Charge* 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.

Section 11 Control of Industrial, High Strength and Septage Wastes

11(a) *Industrial and high strength discharges.* If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which waters, wastes or septage contain substances or possess the characteristics enumerated in subsection 6(o) that, in the judgment of the Utility Manager, may have deleterious effects upon the wastewater treatment

facility, processes, equipment, receiving waters or which otherwise create a hazard to life, health or form a public nuisance, the Utility Manager may:

11(a)(1) Reject the wastes.

11(a)(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

11(a)(3) Require control over the quantities and rates of discharge.

11(a)(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

11(b) *Control manholes.*

11(b)(1) Each person discharging industrial and high strength wastes into a public sewer shall construct and maintain one or more control manholes or access points to ease observation, measurement and sampling of his wastes, including domestic sewage.

11(b)(2) Control manholes or access facilities shall be located and built in a manner acceptable to the Utility Manager. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Utility Manager.

11(b)(3) Control manholes, access facilities and related equipment shall be installed by the person discharging the industrial and high strength waste, at his expense, and shall be maintained by the person discharging the waste to be in safe condition, accessible and in proper operating condition always. Plans for installation of control manholes or access facilities and related equipment shall be approved by the Utility Manager before the beginning of construction.

11(c) *Metering of waste.* Devices for measuring the volume of waste discharged may be required if this volume cannot otherwise be estimated. Where required by the Utility Manager, metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Utility Manager.

11(d) *Waste sampling.*

11(d)(1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of such wastes. The determinations shall be made by the industry or the licensed disposer as often as may be deemed necessary by the Utility Manager.

11(d)(2) Samples shall be collected in such a manner as to

represent the composition of the wastes. The sampling may be accomplished either manually or by mechanical equipment acceptable to the Utility Manager.

11(d)(3) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Utility Manager. Access to sampling locations shall always be granted to the Town or its duly authorized representative and the Utility Manager. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

11(e) *Pretreatment.* When required, in the opinion of the Utility Manager to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater conveyance and treatment facilities, the discharger shall provide at his expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.

11(f) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided by the industrial and high strength discharger and shall be located to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger 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 that are subject to review by the Town and Utility Manager. Any removal and hauling of the collected materials not performed by the discharger personnel must be performed by state Department of Natural Resources licensed disposal firms.

11(g) *Analyses.*

11(g)(1) All measurements, tests and analyses of the characteristics of waters, wastes and septage to which reference is made in this chapter shall be determined according to "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Utility Manager.

11(g)(2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent, as designated and required by the Utility Manager. The Utility Manager may also make his own analysis of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Town or Utility Manager may elect to have an independent laboratory determine the character and concentration of the

waste. Such independent laboratory shall be acceptable to both the Town and Utility Manager and the person discharging the waste. All costs incurred by the independent laboratory in determining shall be assumed by the discharger.

11(h) *Submission of information.* Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Utility Manager before the start of their construction if the effluent from such facilities is to

be discharged into the public sewers.

11(I) *Extension of time.* When it can be demonstrated that circumstances exist that would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed in this ordinance, a request for extension of the time may be presented for consideration by the Utility Manager.

This ordinance shall take effect upon passage and publication, according to law.

Dated this 19th day of June, 2019.

Motion to adopt: Ward Second: Goss

Motion passed on a roll call vote: Ward-aye, Schwengel-aye, Covotsos-aye, Goss-aye

I, Anastasia Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the foregoing is a true and correct copy of an ordinance which was adopted on the 19th day of June, 2019, by the Town Board of the Town of Liberty Grove, Door County, Wisconsin.

Anastasia Bell, Clerk/Treasurer