THE TOWN BOARD OF THE TOWN OF VERONA DO ORDAIN AS FOLLOWS:
ORDINANCE NO. 91-1

VALIDITY

(1) SUPERSEDING PREVIOUS ORDINANCES. This Ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances the Municipality.

(2) INVALIDATION CLAUSE. Invalidity of any section clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.

(3) AMENDMENT. The Municipality, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

ARTICLE I

INTRODUCTION AND GENERAL PROVISIONS

The intent of this Ordinance is to regulate the use of the wastewater collection facilities of Utility District No. l of the Town of Verona and to set forth equitable revenue systems so as to derive the maximum public benefit. This ordinance has been developed pursuant to Public Law 92-500 and Section 66.072 of the Wisconsin Statutes. This ordinance repeals Ordinance No. 70-1, 77-3, and amendments 84-3, 85-1, 85-2, 86-1 and 87-2 of the Town of Verona and recreates said ordinance as hereinafter set forth. If there is any conflict between this ordinance and any applicable statute, the statute shall be controlling.

ARTICLE II

DEFINITIONS

(1) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.

(2) "Building Sewer" shall mean the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.

(3) “Carbonaceous Biochemical Oxygen Demand” (CBOD) shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20 degrees C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with Standard Methods.

(4) “Compatible Pollutants” shall mean carbonaceous biochemical oxygen demand, suspended solids, total kjeldahl, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.

(5) “Commercial User” shall mean any user not classified as a residential user a multi-family user, or an industrial user.

(6) “Incompatible Pollutants or Wastewater” shall mean wastewater or septage with pollutants of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality of discharged to the sewerage system facility.

(7) “Industrial User” shall mean any user defined in CFR Title 40, Section 35.905 who has an industrial discharge.

(8) "Industrial Discharges” shall mean any water-borne solids, liquids, or gaseous wastes, other than domestic wastewater, resulting from, discharging from, flowing from or escaping from any industrial user as defined herein.

(9) "MMSD Ordinance" shall mean the Sewer Use Ordinance of the Madison Metropolitan Sewerage District adopted September 1984, and any amendments thereto, and "District" refers to Madison Metropolitan Sewerage District.

(10) “Multi-family User" shall mean any dwelling unit containing three or more family living units which discharges wastewater to a utility district sewer or intercepting sewer.

(11) "Normal Domestic Strength” shall mean wastewater or sewage with equal to or less than 200 mg/l CBOD and/or 250 mg/1 suspended solids, and/or 40 mg/1 TKN.

(12) " Premises Connected" shall mean each building that has a physical and direct connection to the sewerage system, except that if any building is connected by connection to the sewer main of adjoining building, such building shall be considered a separate connection.

(13) “Residential User” shall mean any dwelling unit containing one or two family living units which discharge wastewater to a utility district sewer or intercepting sewer.

(14) “Sanitary Sewage” shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.

(15) “Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.

(16) “Sewage” is the water-carried waste created in and to be conducted away from residences, industrial and commercial premises, public buildings and other structures and premises with such surface or drain water as may be present.

(17) " Sewer Service Charge” is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs of said facilities.

(18) “Sewerage System” includes all street laterals, main and intercepting sewers and structures by which sewage or industrial waste is collected, transported, treated, or disposed of. This shall not include plumbing inside it or in connection with buildings served or service sewers from a building to the street lateral.

(19) “Standard Methods " shall mean 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 and is in compliance with Federal Regulations 40 CFR 136, " Guidelines Establishing Best Procedures for Analysis of Pollutants”, all as amended from time to time.

(20) “Suspended Solids" shall mean 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 referred to as nonfilterable residue.

(21) “Total Kjeldahl Nitrogen (TKN)” shall mean the quantity of organic nitrogen and ammonia as determined in accordance with Standard Methods.

(22) “Total Phosphorous (TP)” shall mean the quantity of total phosphorous as determined in accordance with the “Standard Methods”.

(23) "Unit of Service" shall mean any residential or small commercial aggregation of space or area occupied for a distinct purpose, such a residence, apartment, flat, store or office, which is

equipped with one or more fixtures connected to the sewer drains for rendering sewer service separate and distinct from other areas. Each unit of service shall be regarded as one consumer.

(24) "Utility District" shall mean the Utility District No. 1 of the Town of Verona.

(25) "Wastewater Unit" shall mean the average amount of wastewater that would be generated by one full-time employee of a commercial user.

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

(1) 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 Utility District or in any area under the jurisdiction of said Utility District any human or non-farm animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the Utility District or in any area under the jurisdiction of said Utility District any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance, Chapter 46 of the Dane County Health and Sanitation Ordinance, or under the provisions of the public health laws of the State of Wisconsin.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Utility District 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 Utility District or the District, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the public sewer in accordance with this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line. Any septic tank, cesspool, or similar private wastewater disposal facility that is abandoned shall be filled with suitable material.

ARTICLE IV

PRIVATE WASTEWATER DISPOSAL

(1) Where a public sanitary sewer is not available under the provisions of Article III, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the article, Chapter 46 of the Dane County Health and Sanitation Ordinance, and ILHR Chapter 83. 21 of the Wisconsin Administrative Code.

(2) Before starting construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the County Sanitarian of the Dane County Environmental Health Department. The application for such permit shall be made on a form furnished by the Dane County Environmental Health Section of the Public Health Division of the Dane County Department of Human Services, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Dane County Sanitarian.

(3) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction the Dane County Sanitarian. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Dane County Sanitarian when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made no later than the first working day after the receipt of notice by the Dane County Sanitarian.

(4) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all time, at no expense to the Utility District.

(5) No Statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Dane County Environmental Health Section of the Public Health Division of the Dane County Department of Human Services or the State of Wisconsin.

ARTICLE V

CONNECTION TO DISTRICT INTERCEPTING SEWERS AND UTILITY DISTRICT SEWERS

(1) Combined Sewers. No combined sewers shall be connected with the wastewater facilities of the Utility District.

(2) Sanitary Sewer Connections. Any person desiring to connect a building sewer to an intercepting sewer or Utility District sewer shall make application to the District or the Utility District in accordance with Section 4. 2 of the District's Sewer Use Ordinance.

(3) Supervision of Construction of District and Building Sewers. Construction of Utility District sewers shall be under the direction of a licensed professional engineer. Such engineer shall keep accurate records of the location, depth, and length of sewers as built and the location of the Y branches or slants.

All building sewers served by the Utility District shall be constructed and inspected as required by ILHR chapter 82.30 of the Wisconsin Administrative Code.

ARTICLE VI

USE OF THE PUBLIC SEWERS

Utility District #1 shall be operated in accordance with MMSD Ordinance.

ARTICLE VII

WASTEWATER MEASUREMENT, SAMPLING AND REPORTING

(1) Monitoring Facilities. Monitoring facilities shall be constructed, operated, and inspected, and reports filed in accordance with Article VII of the District's Sewer Use Ordinance. In addition, any user who so desires may install and operate monitoring facilities and report their wastewater characteristics for billing purposes in accordance with Article VII of the District 's Sewer Use Ordinance.

ARTICLE VIII

SERVICE CHARGES AND BILLING PROCEDURES

(1) Who is Subject to Charge. The Verona Town Board hereby determines to levy and collect sewer charges or rentals on all premises benefitted by the sewerage collection system of Utility District No. l, and said Board hereby determines and declares that all buildings used for human occupancy in said utility district are benefitted.

(2) Purpose of Charges. The service charges to users served by Utility District No. 1 are intended to recover the following: Costs for operating and maintaining a wastewater collection system, including lift stations; costs for construction of new or replaced utility district sewers, including lift stations; administrative costs, including the construction or replacement costs of the utility district 's administrative facilities, and; the District 's costs billed to Utility District No. l

(3) Depositing of Charges. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Resolution 85-2. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

(4) User Categories.

CATEGORY A service charges shall be imposed on users whose water use is metered and whose sewer discharges are normal domestic strength wastewater. The Category A sewer service charge is of the following form:

Service Charge = Customer Charge + Volume Charge

Customer Charge = A flat rate based on the size of the water meter

Volume Charge = A volume of metered water in thousands of gallons multiplied by a volume rate

Volume Rate = The volume unit price expressed in dollars per 1, 000 gallons

CATEGORY B service charges shall be imposed on users whose water use is not metered and whose sewage discharges are normal domestic strength wastewater. The Category B sewer service charge shall be of the form as follows:

Service Charge = Equivalent Residential Units multiplied by the Equivalent Residential Unit Rate

(1) Residential Users:

(a) Unless the user desires to monitor wastewater discharges, a Single Family Residence shall be considered as one unit of sewerage service and the minimum charge each year shall be $273.00.

(b) Unless the user desires to monitor wastewater discharges, a Duplex, or two-family residence, shall be considered as one and three-fourths unit of sewerage service and the minimum charge each year shall be $477.75.

(c) Unless the user desires to monitor wastewater discharges, a Multi-Family Residence or residential building containing three or more living units, shall be considered on the basis of the number of living units, and the minimum charge each year shall be three-fourths times the annual unit service charge for a single family residence times the number of living units in the multi-family residence, or $204.75 X number of units.

CATEGORY C service charges shall be imposed on users whose sewage discharges are high strength wastewater having organic concentrations of carbonaceous biochemical oxygen demand (CBOD) greater than 200 milligrams per liter (mg/l) and/or suspended solids greater than 250 milligrams per liter (mg/L) and/or total Kjeldahl nitrogen (TKN) greater than 40 milligrams per liter (mg/L) and/or total phosphorus (TP) greater than 10 milligrams per liter (mg/L). The minimum Category C service charge shall be based on a concentration of 200 mg/L CBOD, 250 mg/L suspended solids, and a 40 mg/L TKN. The form of the Category C service charge shall be based on a concentration of 200 mg/L CBOD, 250 mg/L suspended solids, and 40 mg/L TKN. The form of the Category C service charge is as follows:

Service Charge = Customer Charge + Volume Charge + High Strength Surcharge

The Customer Charge and the Volume Charge are similar to those components of the Category A service charge.

High Strength Surcharge = the excessive CBOD, suspended solids, and TKN multiplied by the respective CBOD, suspended solids, and TKN rates. The excessive CBOD, suspended solids, and TKN are the portions of each of these constituents that are in excess of normal domestic strength wastewater. The excessive amounts of CBOD, suspended solids, and TKN are expressed in pounds and their respective rates are expressed in dollars per pound.

(5) Commercial Users: Unless they desire to monitor wastewater discharges, Commercial Users are hereby subdivided into the following groups for purposes of establishing the quarterly rates set forth opposite each subdivided class of commercial users;

(a) For each mercantile establishment or place of business--$303.00 per year.

(b) For each tavern or restaurant--$35.00 per quarter.

(c) Schools--each 20 pupils of average attendance or major portion thereof at the school shall be considered as requiring one single family basic unit of sewerage service per quarter.

(d) Churches and Lodges--the quarterly service charge for churches and lodges not organized for the purpose of profits to individual members thereof shall be--$30.00 per quarter.

(e) Unclassified Commercial Users--any user who by applying ordinary and commonly used definition of the phrase "commercial user" fits into such classification and for whom no sub-classification is herein made, shall pay such quarterly rate as in determined by the Town Board to most equitably compensate for the service rendered to such unclassified commercial user, giving due regard and consideration to the charges made to other commercial users herein classified.

(6) Industrial Users: Service charges to industrial users who are not required or do not desire to monitor their wastewater discharges shall be determined by the Town Board in the same manner as service charges for unclassified commercial users.

Service charges to industrial users required to monitor their wastewater discharges and other users who desire to monitor their wastewater discharges and other users who desire to monitor their wastewater discharges, shall be based on the volume of wastewater discharged, the pounds of BOD discharged, the pounds of suspended solids discharged, and the actual or estimated size of the water meter(s) that serves or would be necessary to serve such a user. The metering and sampling necessary to determine the volume of wastewater and the BOD and suspended solids concentrations of the wastewater shall be done in accordance with Article VIII.

Unless they desire to monitor their wastewater discharges, service charges to industrial users that discharge primarily segregated domestic wastewater shall be determined in the same manner as service charges for unclassified commercial users as hereinbefore set forth.

The Board reserves the right to set special rates for industrial users to most equitably compensate the utility district for services rendered.

(7) Service Rates Adjustments. All service charge rates shall be reviewed at least annually and may be adjusted whenever necessary.

(8) Period of Service. Period of service shall be annually for each year from January 1 through December 31. All charges for sewer service shall be placed on the tax bill as a special charge for each parcel that receives services. The signing of the application card or permit will constitute a contract for sewage disposal, which contract embodies these regulations as part of the same.

Each written application must include with other information, fully and truly, the legal description of the property, the street location, the officially designated building number and the fixtures or appliances to be supplied. Each written application must receive approval of the Plumbing Inspector before he shall issue a written permit thereon. Licensed master plumbers only may receive plumbing permits, with the exceptions that a permit may be issued to a property owner to install plumbing in a single family or duplex or two family residence, provided the single family building is owned and occupied by said applicant as his home, and provided the duplex or two family building is owned by and one of the resident units is occupied by the applicant as his home.

(b) Excavating Applications and Permits. A written excavating permit must be applied for and received before any person shall do any excavating in any public street, highway, alley way, or upon any other public property, for the purpose of attaching to, repairing, altering or installing sewer mains, laterals or drains. No charge shall be made for such excavating permit. Excavating permits may be issued on proper application by the Plumbing Inspector. The signing of the application card or permit will constitute a contract for sewage disposal, which contract embodies these regulations as part of the same.

(c) Indemnity. Any person applying for and receiving a plumbing permit or an excavating permit shall thereby be deemed to have stipulated as part of his permit that he will save the Town harmless from any claim for injury or damage or expense to persons or property or otherwise arising out of such excavation or backfilling of the excavation or connection and the use thereof; and that he shall at all times when any excavation is open or when as a result thereof there is any obstruction to travel or any condition dangerous to person or property of others maintain adequate barriers, lights or other warning and protective devices as the circumstances may require.

(2) Schedule of Permit Fees.

The Schedule of permit fees to be paid at the time the permit is issued shall be as follows:

1. For each connection with the main sewer, lateral at the curb, or private sewage treatment or disposal system----------$600.00

2. For relaying an existing sewer---------- $100.00
3. For the first roughed in waste opening----------$5.00
4. For each additional roughed in waste opening----------$5.00

(9) Penalty. All special charges that have not been paid by January 31 of the respective year will be subject to Dane County applicable interest and penalties.

ARTICLE X

MAINTENANCE AND REPAIR OF SEWER SERVICE LATERALS

(1) Provide Cost of Repair. Sewer service laterals shall be maintained and repaired by and at the expense of Utility District No. 1, and charged to the sewer utility accounts except when the condition of disrepair of or defect in the said lateral is caused by the negligence or sufferance of the occupier or owner of the property served by said lateral. When the condition of disrepair or defect is caused by the negligence or sufferance of the occupier or owner of the property served, the costs of such repair shall be paid by the property owner served by the lateral. Repairs or maintenance shall include cleaning, root removal and relaying any or all of said lateral.

Repairs to all sewers from mains which are not located in a public street, highway, way or alley are not considered as repairs to laterals hereunder and shall be the obligation of and the sole expense of the owner of the property served.

(2) Questions of Liabilities for Repair. Disputes over liability for the Town Board and if the obligation hereunder a refund of any advance payment made shall be ordered.

(3) Compliance with Ordinances. No Excavation for the repair or relaying of any lateral shall take place until there is full compliance with all Town ordinances governing the construction, installation, inspection and use of plumbing in the Town of Verona.

ARTICLE XI

STREET OPENINGS

(1) No openings in the streets, highways, alleys or other public ways for installation of plumbing will be permitted when the ground is frozen, except when absolutely necessary. In opening any street, highway or public way, all materials for paving or ballasting shall be removed so as to cause the least possible injury or loss and together with the excavated materials

from the trenches shall be places where the least practicable inconvenience to the public will be caused, and admit free passage of water along the gutters or sides of the roadways.

(2) All openings made in the public streets, highways or alleys in accordance with permission given pursuant thereto shall be enclosed with sufficient barriers, and flares or blinking amber lamps shall be maintained upon the same at night and all other necessary precautions to guard the public effectually against all accidents from the beginning to the completion of the work shall be taken.

(3) In opening a trench on any street, highway or lot, the sand, gravel, and earth, or whatever material is removed or penetrated, must be replaced in as good or better condition, in relation to the remainder, as it was before. All rubbish must be removed at once, leaving the street, or highway in good repair and must be so maintained for a period of one year thereafter. All gas, water and electric lines or conduits must be protected from injury or settling in a manner satisfactory to the Plumbing Inspector.

(4) When any excavation is made in a permanently paved highway or street or in any highway or street which is to be permanently paved, all clay or had pan must be removed and the excavation entirely back filled with sand or gravel thoroughly wet and consolidated. Any tunnel dug in such highway or street shall be back filled with clean moist sand subject to the approval of the Plumbing Inspector.

ARTICLE XII

BILLING AND COLLECTION

(1) Delinquent Payments. Delinquent payments shall be collected in the manner provided by Section 66.076 of the Wisconsin Statutes and Section 66. 25 (3) (b) of Wisconsin Statutes.

ARTICLE XIII

ENFORCEMENT AND ABATEMENT OF THIS ORDINANCE

(1) Notice of Violation and Special Order of Remedy. Any person found in violation of the Ordinance of the Utility District or of any prohibition, limitation, or requirement contained therein, will be served with written notice stating the nature of the violation and issuing a special order for the appropriate remedy thereof.

(2) Penalties. A violation of any written rule or order of the Verona Town Board shall be a public nuisance pursuant to Section 66.24 (1) (d) of the Wisconsin Statutes, and shall be abated and damages and costs recovered therefore in accordance with Section 823. 02 of the Wisconsin Statutes. Any person who fails to comply with a special order within the time specified shall be declared to be a person creating a public nuisance enjoinable under Section 823. 02 of the Wisconsin Statutes and shall forfeit to the Town of Verona $25.00 for each day such failure continues.

(3) Falsifying of Information. No person shall knowingly make any false statement, representation, record, report, plant or other document filed with the Utility District or the District, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance or the District Sewer Use Ordinance. Any person who violates this provision shall be subject to the penalties imposed under Article XVI (3) of this ordinance.

ARTICLE XIV

SEVERABILITY OF PROVISIONS

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause, or phrase or portions thereof. The Verona Town Board declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

ARTICLE XV

PUBLICATION

The Town of Verona Clerk is hereby directed to, on behalf of the Town Board, cause a true and correct copy of this ordinance to be posted within one week from the date of passage hereof in three (3) or more places in the Utility District likely to give notice and this ordinance shall be in full force and effect on the day after posting.

Amended: 6/6/1995, 11/15/2011, 11/17/2015, and 5/13/2016