

CHAPTER XXXVI

SEWAGE ORDINANCE

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36.01 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows: (1) "Approving Authority" shall mean the Northern Moraine Utility commission or their duly authorized Deputy, Agent or Representative.

(2) "B.O.D." (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C., expressed in milligrams per liter.

(3) "Building Sewer" shall mean a sewer which carries only sewage and industrial wastes from the building plumbing to the public sanitary sewer.

(4) "Combined Sewer" shall mean a sewer receiving both direct surface runoff and sewage.

(5) "Commercial User" shall mean any person who contributes normal sewage to the public sewer and who is not defined as residential user, public user or industrial user.

(6) "Contributing Authority" shall mean Village of Elkhart Lake which contributes sewage to the Approving Authority's sewage works.

(7) "Flow Proportional Composite Sample" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.

(8) "Industrial User" shall mean any person who contributes industrial waste to the public sewer.

(9) "Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources.

(10) "Intercepting Sewer" shall mean a sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage or liquid wastes from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the state, and convey the flow to a treatment works, or is to serve in lieu of an existing or proposed treatment works.

(11) "Municipality" shall mean the governing body of any City, Village, Town or Sanitary District.

(12) "Normal Sewage" shall mean sanitary sewage in which B.O.D., suspended solids, or phosphorus concentrations do not exceed normal concentrations of:

(a) A five-day, 20 degree centigrade, B.O.D. of not more than 200 parts per million.

(b) A suspended solids content of not more than 200 parts per million.

(c) Phosphorus not more than 12 parts per million.

(13) "PH" shall mean the logarithm (Base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in standard Methods.

(14) "Person" shall mean any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

(15) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled or owned by public authority.

(16) "Public User" shall mean any municipal institution, association, society, enterprise, governmental agency or other publicly owned entity who contributes normal sewage to the public sewer.

(17) "Residential User" shall mean any private individual who contributes normal sewage to the public sewer.

(18) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(19) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, exclusive of storm water runoff, surface or ground water.

(20) "Sewage System" shall mean a system of sewers and appurtenances for the collection, transportation and pumping of sewage or clear water.

(21) "Sewage Works" shall mean the Village of Elkhart Lake sewer system, pumping stations, wastewater treatment plant, means of disposal of effluent and sludge and all other works necessary to the complete collection, treatment and disposal of sewage.

(22) "Slug" shall mean a sudden increase in sewage discharge that may tend to overload the sewage works.

(23) "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 Federation of Sewage and Industrial Wastes Associations.

(24) "Storm Sewers" shall mean those which carry surface water, storm water, roof water, and overflow water from a tank, cistern, or well but exclude sewage.

(25) "suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

36.02 SEWER USE CHARGES. (1) **BASIS FOR CHARGES.** There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the sewage works, a sewer service charge based upon the quantity and quality of water used, as measured by the Contributing Authority. If any person discharging sewage into the sewage works procures any part, or all of his water from sources other than the Contributing Authority, all or part of which is discharged into the sewage works, the person shall install and maintain at his expense, water meters, of a type approved by the Contributing Authority, or sewage meters approved by the Contributing Authority, for the purpose of determining the volume of sewage discharged to the Contributing Authority sewage system. At the option of the Contributing Authority, any person discharging sewage into the sewage works who procures any part, or all of his water from sources other than the Contributing Authority, all or part of which is discharged into the sewage works, said person may be charged a fixed rate charge for use of the sewage works.

(2) **RESIDENTIAL USERS.** The Village Board of the Village of Elkhart Lake shall be allowed to determine the charges for residential usage of water metered or sewage discharged. The amount charged shall be set according to the cost of collection as stated by the Approving Authority.

(3) **COMMERCIAL AND PUBLIC USERS.** (a) The Village Board of the Village of Elkhart Lake shall be allowed to determine the charges for commercial and public usage of water metered or sewage discharged. The amount charged shall be set according to the cost of collection as stated by the Approving Authority.

(b) All commercial and public users discharging sewage into the public sewer having concentrations in excess of normal concentrations shall have metering and sampling as required by the Approving Authority. Such users shall be billed for excess over normal concentrations at the following rates:

12.84¢ per pound of B.O.D.

17.26¢ per pound of Suspended Solids

(c) Commercial and Public Users shall pay the sum of charges as set forth in subsections (a) and (b) above.

(4) **INDUSTRIAL USERS.** (a) All industrial users shall have metering and sampling as required by the Approving Authority. Industrial Users shall be billed for excess over normal concentrations at the following rates:

12.84¢ per pound of B.O.D.
17.26¢ per pound of Suspended Solids

(b) A minimum monthly service charge of _____.

(c) Industrial users shall pay the sum of charges as set forth in sub-sections (a) and (b) above.

(5) METHOD AND PAYMENT OF CHARGES. (a) Sewer service charges shall be included as separate items on the regular quarterly statement for water services or as otherwise determined by the contributing Authority. Sewer service charges shall be payable at the Office of the contributing Authority or at any other officially designated location at the same time that the water statements become due, and payments for water service shall not be accepted without full payment of the sewer service charges. Statements for sewer service charges levied and assessed in accordance with this ordinance shall become due and payable within 15 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty of 3% will be added thereto. The Approving Authority shall conduct an annual audit of its books and shall make them available for inspection.

(b) Lien. Each sewer service charge levied by or pursuant to this Ordinance shall constitute a lien upon the corresponding premises served by the sewer system as provided for by Wisconsin Statutes.

(6) The Approving Authority shall have the right to assess surcharges for any user discharging above normal strength waste as set forth herein.

36.03 INDUSTRIAL COST RECOVERY CHARGE. There is hereby levied and assessed on all industrial users an industrial cost recovery charge based upon volume and strength of waste. Such Industrial Cost Recovery system provision should be in accordance with 40 CFR 35.928 - 1 and 2.

(1) CHARGES. Industrial cost recovery charges shall be as follows:

INDUSTRY LOCATION	VOLUME	B.O.D.	S.S.
Elkhart Lake	9.44¢/100 Cu.Ft.	5.54¢ per#	1.42¢ per#

(2) COLLECTION. Industrial cost recovery charges shall be collected by the contributing Authority as to the industrial users under its jurisdiction as provided in sub-section (1) and annually remitted to the Approving Authority to be administered by it as set forth under the provisions of PL92-500.

(2-A) In addition to the approval of the contributing Authority, to connect a proposed new Industrial User, such new Industrial User shall not be allowed without the written approval of the Northern Moraine utility Commission, of which this Contributing Authority is a member thereof.

(3) RECORDS. All records relating to Industrial cost Recovery charges and computations shall be secured and maintained by the Contributing Authority and copies shall be annually submitted to the Approving Authority, and shall be made available for Environmental protection Agency audit.

(4) REVIEW. The Approving Authority shall retain the right to monitor, sample and test any industrial user at any time to assure the accuracy of all records used for computation of industrial cost recovery. The contributing Authority shall cooperate fully with the Approving Authority on implementing 36.03 for all persons under its jurisdiction.

36.04 CONTROL AND MEASUREMENT OF ADMISSIBLE INDUSTRIAL WASTES.

(1) SUBMISSION OF BASIC DATA. Each person discharging industrial waste to a public sewer shall prepare and file with the Approving Authority, periodic reports that shall include pertinent data relating to the quantity and characteristics of their wastes, in accordance with the requirements of the Approving Authority and those imposed on said Authority by the Wisconsin Pollutant Discharge Elimination system permit (WPDES) No. WI- 0028452.

(2) NEW CONNECTION. Each person desiring to make a new connection to the public sewers for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority, a report that shall include actual or predicated data relating to the quantity and characteristics of the waste to be discharged, in accordance with the requirements of the Approving Authority and those imposed on said Authority by the Wisconsin Pollutant Discharge Elimination System Permit (WPDES) No. WI-0028452.

(3) CONTROL MANHOLES. All persons discharging industrial wastes into a public sewer or when directed by the Approving Authority, shall construct and maintain control manholes to facilitate observation, measurement and sampling of this waste. Control manholes shall be located and built in a manner approved by the Approving Authority. If measuring and sampling devices are to be permanently installed, they shall be of a type approved by the Approving Authority.

(4) INSTALLATION AND MAINTENANCE. Control manholes, and related equipment, shall be installed at the expense of the person discharging the waste, and shall be maintained by him in safe condition, accessible and in proper operating condition at all times.

(5) METERING OF WASTE OPTIONAL. In the event a person discharging industrial wastes into the public sewers produces evidence satisfactory to the Approving Authority that more than

20% of the total annual volume of water used for all purposes does not reach the public sewer, the person may request the Approving Authority for permission to install an appropriate metering device. If said permission is granted and a metering device installed, the service charges for volume shall be based on the readings from the metering device.

(6) **METERING OF WASTE REQUIRED.** Services for metering the volume of waste discharged may be required by the Approving Authority, if those volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be purchased, owned and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

(7) **WASTE SAMPLING.** Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration. Said waste sampling shall be made as frequently as required by the Approving Authority and the cost thereof shall be charged to the industrial user. If any said testing by the Approving Authority shall show a changed degree of pollutional load in the sewage being discharged, such new test results shall be used in computing the subsequent billings, but no change shall be made unless at least a full day of operation of the person's plant has undergone the test. Any person may request the Approving Authority to make new tests, such tests to be at the expense of the person discharging the sewage and such tests to be of a minimum of 24 hours duration. If the Approving Authority is satisfied that such test was made when the plant was operating under normal conditions, the results of these tests shall be used in computing the subsequent billing in the manner previously prescribed.

(8) **POWERS AND AUTHORITY OF INSPECTORS.** The manager - operator and other duly authorized officers and employees of the Contributing Authority and Approving Authority shall be permitted to enter upon all property for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Ordinance. The contributing Authority shall act in meeting the requirements of this section as to all industrial users subject to its jurisdiction and immediately furnish the information obtained to the Approving Authority as requested.

(9) **TESTING.** All testing of sewage will be done as per Federal Regulations, 40 CFR, 136, in accordance with methods prescribed in "Standard Methods", or by the Wisconsin Department of Natural Resources, or others designated by the Approving Authority on samples collected in a manner prescribed by the Approving Authority.

(10) **VERIFICATION.** The Approving Authority has the right to verify all industrial waste records submitted by any Contributing Authority and may verify these records by testing, sampling or inspection as required. The contributing Authority shall cooperate fully with the Approving Authority in obtaining verification from any industrial users subject to the jurisdiction of the Contributing Authority.

(11) **COMPLIANCE.** Where a Contributing Authority exists, they shall assume the responsibility of implementing the provisions of section 36.04 for all industrial users under their jurisdiction. In the event that the Contributing Authority does not

satisfactorily implement Section 36.04, the Approving Authority reserves the right to assure compliance at the expense of the contributing Authority.

36.05 CONNECTIONS TO TREATMENT WORKS. (1) **APPLICATION TO CONNECT EXISTING SEWERAGE SYSTEM.** Any person desiring to connect any sewerage system with the sewage works of the Contributing Authority shall make application to the Approving Authority and contributing Authority for permission to make such connection or use. Said application shall be made in writing by duly authorized officials or person and shall be accompanied by a complete set of plans showing location, size, kind of sewer pipe, grades, elevations of the inverts at manholes, elevations of manhole tops, distance between manholes, and complete details of all appurtenances. A similar map of the storm sewer system, if such system exists, shall also be submitted.

(2) **APPLICATION TO CONNECT PROPOSED NEW SEWERAGE SYSTEM.** Any person desiring to connect a proposed new sewerage system with the contributing Authority sewage works shall make application to the Approving Authority and Contributing Authority for permission to make such connection or use. Said application shall be made in writing by duly authorized officials or person and shall be accompanied by two complete sets of plans and specifications, said plans to show the location, size, kind of sewer pipe, grades, elevations of the inverts at manholes, elevations of manhole tops, distances between manholes, and complete details of all appurtenances. The application shall include a statement of the location or locations at which it is desired to connect, and a statement of the character of the sewage to be transmitted. If the application is the first one made by a municipality, there shall be submitted a certified copy of the local plumbing and sewerage code. The first application of a sanitary district shall be accompanied by a description of the land embraced by it. If the plans and specifications are approved by the Approving Authority and Contributing Authority, they will be submitted by the applicant to the Wisconsin Department of Natural Resources and U.S. Environmental Protection Agency, or other statutory approving agency having jurisdiction. Copies of the plans and approvals will be kept by the applicant and a copy of the approval letter shall be submitted to the Approving Authority and the Contributing Authority before any connection or use of the treatment works commences.

(3) **ALTERATIONS.** Alterations to existing sewerage systems connected to the sewage works, shall be treated as Proposed New sewerage systems. The Approving Authority and contributing Authority may modify this provision if the sewer connection is not directly to a Contributing Authority sewer and providing the person has previously presented and has had approved a general over all sewer plan. If such a modification is made, it will be done in writing and must be kept on file by the person to which it applies.

(4) **PERMIT TO CONNECT.** Prior to permitting such connection or use, the Approving Authority and Contributing Authority may investigate, or cause to be investigated, the sewerage system for which such connection or use is requested. If the Approving Authority and contributing Authority find such system to be in a satisfactory condition, it will grant a permit for such connection or use. If the Approving Authority and contributing Authority find such system to be defective in operation, construction, design,

or maintenance, the Approving Authority and Contributing Authority will so notify the applicant and will advise him that upon completion of specified alterations, new construction, or changes in supervision or operation, a permit will be granted. Should the plans or specifications not be approved under sub-sections (1), (2) or (3), one copy will be returned to the applicant who will be informed as to the reason for non-approval.

(5) RESERVE CAPACITY. Prior to permitting any connection or use of the treatment works, the Approving Authority and Contributing Authority shall ascertain that all down stream sewers, interceptors, lift stations, forcemains and treatment works have sufficient reserve capacity for volume, suspended solids, B.O.D., and phosphorus removal to assure adequate collection and treatment of the additional sewage contributed to the sewage works. The Approving Authority and contributing Authority reserves the right to refuse a connection or use permit if the requirements of this sub-section cannot be met with the granting of the permit.

(6) INSPECTIONS AND SUPERVISION DURING CONSTRUCTION. During the construction of any sewerage system which the Approving Authority and contributing Authority has approved, the Approving Authority and contributing Authority may, from time to time, inspect the same to see that said work is being done *in* accordance with the approved plans and specifications. Failure to make such inspections shall not nullify the rights of the Approving Authority and contributing Authority to require reconstruction should non-adherence to approved plans be subsequently discovered. Every person in the construction of laterals or sewerage systems within its jurisdiction shall require that such construction be under the direction of a Wisconsin Registered professional Engineer or Licensed Master plumber, if plan approval was obtained under his license. The Engineer or Master plumber shall keep accurate records of the location, depth, and length of the sewers as built and of the location of the Y-branches or slants.

(7) PERMITS - NOT GRANTED. Permits shall not be granted for the connection of combined sewers to the interceptors or municipal sewers. Permits shall not be granted for the connection of any proposed or existing storm sewers to the Contributing Authority sewage works. Connection of catch basin or curb inlets to any sanitary sewer directly or indirectly connected to the Contributing Authority sewage works is strictly prohibited.

(8) PHYSICAL CONNECTION. All proposed sewer connections shall be planned to be made at a manhole with the flow line of the connecting sewer being at or below the manhole shelf or the connection shall be made through an approved drop. At least twenty-four hours before connection is to be made, notice of such intent must be given to the Approving Authority and Contributing Authority. When the actual connection is made, it must be done in the presence of an Approving Authority and contributing Authority inspectors.

(9) RECORDS. Records of connections to the sewerage system shall be kept by the Contributing Authority in Which such connections are made and such records shall be available for inspection by the Approving Authority.

36.06 PLAN PREPARATION. (1) All plans presented to the Approving Authority and contributing Authority must be prepared and sealed by a professional engineer registered in Wisconsin, or by a licensed Master plumber as provided for in Wisconsin Administrative Code, and shall be prepared in conformity to the latest edition of "standards for sewage Works" adopted by the Great Lakes upper Mississippi River Board of State sanitary Engineers, and all applicable state and Federal regulations. All plans submitted to the Approving Authority, and Contributing Authority shall be white prints 36" long by 22" wide. All elevations given on plans submitted to the Approving Authority and contributing Authority shall be based upon USGS datum. Promptly upon the completion of any unit of construction covered by previously approved plans and specifications, the contributing Authority shall furnish to the Approving Authority an accurate and complete plan of the unit as constructed.

36.07 DISCHARGING DELETERIOUS SUBSTANCES INTO PUBLIC SEWER PROHIBITED. (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes into any sewer connected to the Approving Authority sewers:

(a) Any liquid or vapor having a temperature higher than 150°F. (Temperature to be measured in the first municipal manhole below the connection.)

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F. (0 and 65°C.)

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

(d) Garbage from other than homes, hotels, restaurants, institutions, 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 for consumption off the premises when served by caterers.

(e) Any garbage that has not been properly shredded or comminuted to such a degree that all particles will be carried freely in suspension in municipal sewers, (100% passing 1/2" screen, 90% passing 1/4" screen.)

(f) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage,

whole blood, paunch manure, hair and fleshings, entrails, paper dishes, sanitary napkins, cups, milk containers, etc., either whole or ground by garbage grinders.

(g) Any wastes having a PH lower than 5.5 or higher than 9.0 (as measured at the first municipal manhole below the connection) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(h) Any wastes that have such a high Biochemical Oxygen Demand or containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage works.

(i) Milk, whey or any other dairy products or by-products.

(j) Any wastes having an objectionable color which is not removable in the existing sewage treatment plant processes.

(k) Any waters or wastes containing heavy metals, toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(l) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(m) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(n) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(3) INTERCEPTORS. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing excessive amounts of grease, or any flammable wastes, sand, and other harmful ingredients; except that such interceptors shall not be required to private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Interceptors shall be of substantial construction, water tight, and equipped with easily

removable covers which when bolted in place shall be gas and water tight. All grease, oil and sand interceptors required to be installed shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(4) PRE-TREATMENT. The admission into the public sewer of any water or wastes having a Biochemical Oxygen Demand greater than 200 milligrams per liter, or containing more than 200 milligrams per liter of suspended solids, or containing any quantity of substances having the characteristics described in sub-section 36.07(2) or having an average daily flow greater than 2% of the average daily sewerage flow of the sewerage works shall be subject to the review and approval of the Approving Authority. Where required by the Approving Authority, the owner shall provide at his expense such pre-treatment as may be necessary to reduce the Biochemical Oxygen Demand to 200 milligrams per liter and the suspended solids to 200 milligrams per liter, or reduce objectionable characteristics or constituents to within the maximum limits provided for in paragraph 36.07(2), or hold and control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pre-treatment facilities shall be submitted for the approval of the Approving Authority and no construction of such facilities shall be commenced until said approvals are obtained in writing. Where pre-treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(5) TESTING AND SAMPLING PROCEDURES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods" and shall be determined at the control manhole provided in Section 36.04(3), or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. If the measurements, tests and analyses disclose that the results or quantities exceed the limits set forth in this ordinance the reasonable cost of making such measurements, tests and analyses shall be at the expense of the person discharging said wastes.

(6) SPECIAL AGREEMENTS AND EXCLUSION OF INDUSTRIAL WASTE. No provision of this ordinance shall be construed as preventing any special agreement or arrangement between the Approving Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Approving Authority for treatment, subject to payment therefore by the industrial concern. Nothing herein shall prevent the exclusion of any industrial wastes upon the direction and order of the Approving Authority. The right to exclude any industrial waste is hereby reserved to the Approving Authority.

(7) NOTICE BY HOTELS, MOTELS, AND OTHER PLACES OF PUBLIC LODGING. The owners of any hotel, motel, or place of public lodging which discharges wastes into

any sewer connected to the Approving Authority sewers shall post a notice in all restrooms, lavatories, or other places of similar accommodation instructing guests or tenants that sanitary napkins shall not be deposited in any receptacles which are connected to any sewer of the Approving Authority.

(8) **RIGHT OF ENTRY ON PRIVATE PROPERTY FOR PURPOSES OF INSPECTION.** The contributing authority or duly authorized employees of the contributing authority bearing proper credentials and identification shall be permitted to enter all commercial and industrial properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this chapter and § 66.122 of the State Statutes. The Approving Authority or other duly authorized employee of the Approving Authority shall have no authority to inquire into any process / beyond that point having a direct bearing on the kind and source of discharge to the sewers or water ways or waste water treatment facilities or the notices required by this chapter.

36.08 APPLICABILITY OF ORDINANCE TO CONTRIBUTING AUTHORITY. The provisions of this ordinance, with the exception of Section 36.02 "Sewer Use Charges" shall be applicable to any Contributing Authority served on a contract basis by the sewage works. All service contracts with a Contributing Authority shall provide that said authority will adopt the ordinances necessary to implement and enforce the aforesaid provisions of this ordinance in a uniform manner.

36.09 LIABILITY TO DISTRICT FOR LOSSES. Any person who intentionally, negligently or accidentally violates any provisions of this ordinance shall become liable to the Village of Elkhart Lake or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the Village of Elkhart Lake or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Section 36.11 and without consideration for any penalties which may be imposed for a violation of this ordinance.

36.10 PROTECTION FROM DAMAGE. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances, or equipment which is a part of the Village of Elkhart Lake sewerage works and the Approving Authority sewerage work.

36.11 PENALTIES AND ENFORCEMENT. (1) Any person found to be violating any provision of this ordinance except 36.10 or 36.11 shall be served by the Village of Elkhart Lake 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 stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in 36.11(1) shall, upon conviction thereof, pay a forfeiture of not less than One Hundred (\$100.00) Dollars nor more than Two Thousand Five Hundred (\$2,500.00) Dollars for each day of violation together with the cost of prosecution, and in default of payment of

such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

36.12 VALIDITY. This ordinance shall not repeal user ordinances now in effect by this Contributing Authority. However, where the provisions of this ordinance herein are more restrictive than such present Contributing Authority ordinances, then the provisions of this ordinance shall be in effect and be controlling.

36.13 ORDINANCE IN FORCE. This ordinance shall be in full force and effect and after its passage, approval, recording and publication as provided by law.

36.14 HOLDING TANKS. (1) HOLDING TANKS PERMITTED. Holding tanks may be permitted in the Village upon filing of a properly completed agreement, payment of fees and deposits in compliance with this ordinance.

(2) **OWNER'S RESPONSIBILITY.** The owner will conform to all rules and regulations of the Village, Sheboygan County, and the State of Wisconsin in the construction and maintenance of the septic system, including holding tanks. He shall when necessary, but within the guidelines, if any, as set forth by the Village, County or State of Wisconsin, pump contents of said tank to a qualified site or sewerage treatment center as determined from time to time by the Village. The Village may order the pumping of said tank at any time that it deems that the failure to do so may cause a nuisance or health hazard within the Village and that the owner shall, within 24 hours of said notice, pump said tank as required.

(3) **RIGHT TO ENTER PREMISES.** Upon the signing of the application and/or agreement with the Village for the installation of the holding tank, the owner agrees that the Village is granted the right or license and authority to enter upon his property to inspect, pump and haul away, if necessary, the contents of said holding tank.

(4) **SPECIAL ASSESSMENTS.** Upon receiving proper permits for the construction and installation of the holding tank, owner consents to pay any and all special assessments at the time of installation of any sanitary sewer adjacent or upon the above described owner's property and waives any assertion or claim that said sewer lacks any benefit to him.

(5) **TAX ASSESSMENT.** Any cost accrued to the Village because of the use or operation, failure to maintain, or for any other reason, of said holding tank after proper billing, said Village may place said charges on the next succeeding tax bill as a special charge.

(6) **BOND REQUIREMENTS.** The said Village Board shall require a \$100.00 bond to be filed by the applicant for said permit or the owner of said premises after the installation of said holding tank to guarantee any and all expenses incurred by the Village for inspection, pumping, hauling or otherwise servicing and maintaining the subject holding tank in such manner as to prevent or abate any nuisance or health hazard caused by such

holding tank. The said bond shall be maintained at all times and shall be replaced if expended for any reason. No interest shall accrue to the permittee on said bond or deposit.

(7) COVENANT ON LAND. Said holding tank agreement shall be in such form so as to be recordable and shall be a covenant running with the land and shall be binding on owners, their heirs, successors and assigns.

(8) REPORT. The owner shall report to the Village Board at least semiannually or such other longer period as it may demand the owner's name, location of the property on which the holding tank is located, the pumper's name, dates and volumes pumped and the disposal site.

(9) PENALTY. The penalty for violation of any of the provisions of this section in addition to the costs herein-before mentioned, shall be a forfeiture of \$50.00. A separate offense shall be deemed committed on each day in which a violation of any provision of this section occurs or continues. In addition to said penalty, the Village Board may revoke this permit and the occupancy permit of the premises and require removal of the premises' inhabitants.