

## Chapter 335

### SEWERS

**[HISTORY: Adopted by the Village Board of the Village of Forestville as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction and fire prevention — See Ch. 160.

Subdivision of land — See Ch. 360.

#### ARTICLE I

##### Sewer Rates and Regulations

**[Adopted by Ord. No. 1-82; amended 9-3-1996 by Ord. No. 1-96]**

#### **§ 335-1. Sewer system operations.**

- A. The management, operation, and control of the sewer system for the Village of Forestville is vested in the Village Board of said Village; all records, minutes and all written proceedings thereof shall be kept by the Clerk of the Village; the Treasurer of the Sanitary Commission, who shall be supervised by the Village Board, shall keep all the financial records.
- B. The sewer utility of the Village shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system.
- C. Condemnation of real estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village Board be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Village Board shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if federal funds are used.
- D. Title to real estate and personal property. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said Village of Forestville.

#### **§ 335-2. Use rules and regulations.**

The rules, regulations, and sewer rates of the Village of Forestville hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system of the Village and every such person, company, or

corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such other as said Village of Forestville may hereafter adopt are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the Village Board, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Village Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Village Board, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Village Board to change said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.

### **§ 335-3. Definitions.**

The following definitions are applicable to this article:

**BIOCHEMICAL OXYGEN DEMAND (BOD)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."<sup>1</sup>

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

**GARBAGE** — The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

**INDUSTRIAL WASTE** — The wastewater from industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

**PERSON** — Any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

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

**SANITARY SEWER** — A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor

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<sup>1</sup>. Editor's Note: See "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 Association.

quantities of ground, storm and surface waters that are not admitted intentionally.

**SHOCK** — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

**STANDARD METHODS** — 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 Association.

**STORM DRAIN** (sometimes termed "STORM SEWER") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

**SUSPENDED SOLIDS** — Solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as "nonfilterable residue."

**§ 335-4. Plumbers; users; excavations.**

The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established:

A. Plumbers. No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

B. Users.

(1) Application for service. Every person connecting with the sewer system shall file an application in writing to the Village Clerk. The application must state fully and truly all the use which will be allowed except upon further application and permission regularly obtained from said Village Clerk. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the Village of Forestville are referred to herein as "users."

(a) The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

(b) If it appears that the service applied for will not provide adequate service for the contemplated use, the Village Board may reject the application. If the Village Board shall approve the application, it shall issue a permit for services as shown on the application.

(2) Tap permits. After sewer connections have been introduced into any building

or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Village Board.

- (3) User to keep in repair. All users shall keep their own 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.
- (4) User use only. No user shall allow others or other services to connect to the sewer system through his lateral.
- (5) User to permit inspection. Every user shall permit the Village Board, or their 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; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- (6) Utility responsibility. It is expressly stipulated that no claim shall be made against said Village of Forestville, the Village Board, or the Sanitary Commission by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of said Village, the Village Board shall, if practicable, give notice to each and every consumer within said Village, of the time when such service will be so shut off.

C. Excavations.

- (1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (2) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
- (3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village Board. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

**§ 335-5. Sewer user charge system.**

- A. Costs.
- (1) It shall be the policy of the Village to obtain sufficient revenues to pay the cost of:
    - (a) The annual debt retirement payment on any bonded indebtedness;
    - (b) Any required cash reserve account payment; and
    - (c) Operation and maintenance of the sewage works, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges.
  - (2) The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.
- B. All sewer users shall be classified by the utility as:
- (1) Residential/commercial (domestic strength); or
  - (2) Industrial customers.
- C. User charges shall consist of: a minimum quarterly billing, on the basis of User Charge Equivalents (UCE); and a unit price based on the average volume of water utilized for that size of customer. The minimum quarterly billing shall be sufficient to pay the annual debt retirement. A portion of the debt service and reserve account may be budgeted by levying an ad valorem tax in accordance with state statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, or the sewage works.
- D. The methodology of determining the user charges is given in Appendix A.<sup>2</sup> The Utility shall provide the initial estimates of number of UCE, costs, etc., to calculate the first year's user charges. The user charges, and this article, shall be reviewed not less than biannually. Such review shall be performed by the Village Board and the Village Clerk-Treasurer along with the Treasurer of the Sanitary Commission. User charges shall be adjusted as required, to reflect actual number and size of users and actual costs.
- E. Sewer rates.<sup>3</sup>
- (1) There shall be charged to each user of the sewer system a sewer charge as follows, a charge based on the following schedule:
    - (a) Residential and other users (equal to one UCE), occupied or not.<sup>4</sup>

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2. Editor's Note: Appendix A is available from the Village offices.

3. Editor's Note: Rates shall be reviewed and revised by the Village Board as necessary.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (b) Larger than residential (number of UCE/quarter; UCE to be determined when hookup is made).
- (c) Not paying sanitary tax levy: UCE/quarter.
- (2) All charges for sewerage service shall be made quarterly and shall be payable on the first day of January, April, July and October in each year. A 3% penalty will be added to those bills not paid on or before the 20th day after the due date of the bill with a \$0.30 minimum penalty charge. A failure to receive a bill shall not excuse nonpayment. Sewerage service charges shall be a lien on the property served in accordance with § 66.0821 of the Wisconsin Statutes.
- (3) A property tax levy for sanitary purposes shall be levied in an amount equal to 9.5 mils on the assessed valuation.
- (4) All users who will not be paying a sanitary tax levy will be notified in writing by the Village Clerk as to the amount of their payment in lieu of the taxes.

**§ 335-6. Mandatory hookup.**

- A. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 30 days of notice in writing from the Village Board and pay the hookup fee in effect at the time of hookup. Upon failure to do so, the Village Board may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, all pursuant to § 144.06, Wisconsin Statutes; provided, however, that the owner may within 30 days after the completion of the work file a written option with the Village Clerk stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five equal installments and that the amount shall be so collected with interest at the rate of 15% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to § 281.45, Wisconsin Statutes.<sup>5</sup>
- B. In the case of new construction, every owner of a tract of land on which construction has begun for a new home shall connect to such system within 30 days after the foundation has been laid for such new house.
- C. In lieu of the above, the Village Board, at its option, may impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make a connection to the sewer system of an amount equal to 150% of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to § 281.45, Wisconsin Statutes.
- D. This article ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said Village and fails to assure preservation of public

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<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

health, comfort, and safety of said Village. (See § 335-11, Installation of conventional systems.)

**§ 335-7. Maintenance of services.**

- A. The utility shall maintain sewer service within the limits of the Village from the street main to the property line and including all controls between the same, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance by the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.
- B. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

**§ 335-8. Improper use and prohibited discharges.**

- A. It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Village Board to bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying or distributing sewage.
- B. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 200 mg/l (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate to be determined, if allowed. The Village Board reserves the right to test the sewage at any point within the connection system of the user or consumer.<sup>6</sup>
- C. No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
  - (1) Any stormwater, surface water, ground water, roof runoff or surface drainage, including sump pumps.<sup>7</sup>
  - (2) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
  - (3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (4) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
- (5) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (6) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (7) Any garbage that has not been properly shredded.
- (8) Any liquid or vapor having a temperature higher than 150° F.
- (9) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (10) Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

**§ 335-9. Damage recovery.**

- A. The system shall have the right of recovery from all persons, any expense incurred by said system 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 act.
- B. Any person found to be responsible for allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages as established by the approving authority.

**§ 335-10. Violations and penalties.**<sup>8</sup>

Any person who shall violate any of the provisions of this article or rules or regulations of the Village of Forestville; or who shall connect a service pipe without first having obtained a permit and inspection therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof be subject to the penalty in § 1-4 of the Code. This, however, shall not bar the Village Board from enforcing the connection duties set out in § 335-6A for mandatory hookup.

**§ 335-11. Installation of conventional systems.**

In areas deemed by the Village Board to be unserviceable by the Village sewer system,

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<sup>8</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



due to it being cost-prohibitive for the location or physical factors of the location, the Village waives the mandatory connection in lieu of installation of a sanitary system meeting state and county codes in force at the time of said installation.<sup>9</sup>

**§ 335-12. Charges as lien on property.** <sup>10</sup>

All sewer services, charges and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of November and any year, shall be certified to the Village Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

**§ 335-13. Unit of service definition.**

- A. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a resident, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses; thus, houses and apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming housing.
- B. When a consumer's premises has several buildings for which services are eligible and such buildings are used in the same business and connected by the user, the Village Board shall set a separate rate for such complex.

**§ 335-14. Adoption of other rules.**

There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Safety and Professional Services; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the Village of Forestville.

ARTICLE II  
**Downspouts**  
[Adopted 1-3-2005 by Ord. No. 1-2004]

**§ 335-15. Requirement; exception.**

All homes constructed after passage of this article will have downspout drainage above the ground, unless otherwise approved by Village Board and inspection during installation and upon completion.

**§ 335-16. Proof of drainage.**

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<sup>9</sup>. Editor's Note: Original Section 5.07, Vacating of premises and discontinuance of service, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>10</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

Existing residences where downspouts have been buried must be able to prove, within 15 days of notice, to the Board, where the water is draining.

**§ 335-17. Notice to disconnect from sanitary sewage system; violations and penalties.** <sup>11</sup>

If drains/sump pumps are found to be connected to the sanitary system, it is ordered that they be disconnected and rerouted within 24 hours of notice, or homeowner will be subject to a penalty as provided in § 1-4 of the Village Code until such disconnection and rerouting occurs.

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<sup>11</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).