

ORDINANCE NO. 2015-01

**AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE II, OF THE
CODE OF ORDINANCES FOR THE TOWN OF YORKVILLE
RELATING TO SANITARY WASTES**

The Town Board of the Town of Yorkville, Racine County, Wisconsin, do ordain as follows:

1. That Chapter 54, Article II, of the Code of Ordinances for the Town of Yorkville relating to sanitary wastes, be and hereby is amended as set forth in Exhibit A, which is attached and incorporated herein by reference.

2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Town Board of the Town of Yorkville, Racine County, Wisconsin, this 9th day of February, 2015.

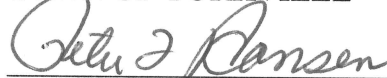
Ayes: 3

Nays: 0

Abstentions: 0

TOWN OF YORKVILLE

By:



Peter L. Hansen, Chairperson

Attest:



Michael McKinney, Clerk-Treasurer

Article I. In General

Sec. 54-1. Penalty.

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter, or any order, rule or regulation made under this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 1-14.
(Code 1982, § 19.20)

Secs. 54-2—54-30. Reserved.

Article II. Sanitary Wastes

Division 1. Generally

State Law reference— Holding tanks, Wis. Stat. § 281.48.

Secs. 54-31—54-50. Reserved.

Division 2. Holding Tanks

Sec. 54-51. Restricted.

Holding tanks for new residential construction shall be prohibited in the town. Any person who is denied the use of a holding tank as a result of this section may appeal the application of this section to his situation. The appeal shall be to the town board and shall comply with section 2-400. The town board may grant variances to this prohibition where the enforcement of the prohibition will result in severe and unnecessary hardship. The town board may also grant variances on a trial basis for new residential construction for conversion to a mound system in accord with the rules and regulations of the state department of ~~commerce~~ safety and professional services and the county sanitarian and in accord with rules and regulations established by the town board. The clerk-treasurer shall inform the state department of safety and professional services ~~commerce~~ and the county sanitarian of any such variance. Section 54-52 shall apply to any such variance.

(Code 1982, § 11.06(1))

Sec. 54-52. Agreement required.

- (a) As a precondition to the installation of a holding tank for existing residential construction or new or existing nonresidential construction, the landowner shall enter into an agreement with the town relative to the installing, maintaining and emptying of such holding tank. Such agreement shall conform to the regulations of the state

department of safety and professional services and/or department of natural resources~~commerce~~. The owner shall cause the agreement to be recorded with the office of the county register of deeds and the agreement shall constitute an agreement running with the land and binding upon the owner, his heirs, successors, administrators and assigns. In such agreement, the owner shall agree to:

- (1) Install the holding tank in accord with the applicable laws, rules, regulations and ordinances governing such installations.
- (2) Be fully responsible and liable for the proper operation and maintenance of the holding tank and for the disposal of the contents of the holding tank in accord with all applicable laws, rules, regulations and ordinances governing the holding tank.
- (3) Obey all lawful orders with respect to the holding tank which are issued by the town and its officers, as well as all other agencies and officers with jurisdiction as to such holding tank.
- (4) Payment of an annual inspection fee to the town in the sum of \$60.00, and to pay at the rate of \$24.00 per inspection for any inspections in excess of four per annum necessary to ensure the proper operation and maintenance of the holding tank.
- (5) Install warning devices, both visual and audible, to indicate when the holding tank is full or in need of pumping.
- (6) Install a sealed meter on the water system on the premises to meter the amount of water consumed on the premises.
- (7) Have the contents from the holding tank removed, hauled and disposed of by a hauler licensed by the state in accord with all state and local laws, ordinances, rules and regulations.
- (8) File receipts and a pumping report with the clerk-treasurer and the county at least quarterly evidencing the date and volume of contents which was removed from the holding tank.
- (9) Have the agreement recorded with the office of the county register of deeds which shall constitute an agreement running with the land, binding upon the owner, his heirs, administrators, successors and assigns.
- (10) Allow any authorized person of the town to inspect the holding tank and the premises at all reasonable times.
- (11) Have a lien asserted against the property served by the holding tank for any obligations or damages accruing to the town under the agreement and to have any such obligations or damages placed upon the town tax rolls and collected as any other real estate tax.
- (12) Bind any future owner of the property served by the holding tank to enter into a like agreement with the town.

- (13) Be bound to such new contract terms provided under this section as shall be enacted from time to time; provided, however, that prior to the adoption of any amendment to this section which shall provide for any such new contract terms the owner, or his successor in interest, shall be given at least 15 days' notice of the intention to amend this section and shall be given an opportunity to be heard before the adoption of such amendment.
- (b) Unless required by the applicable law, rules and regulations, no contract shall be entered into with respect to a holding tank to serve more than one property.
- (c) If the owner does not cause the holding tank to be properly maintained in response to orders from the state department of safety and professional services and/or department of natural resources~~commerce~~, the county or the town, and if it becomes necessary to prevent or abate a nuisance as described in Wis. State. § 254.59, the town may provide for the maintenance of the holding tank, including the pumping, transportation and disposal of the holding tank contents.
- (Code 1982, § 11.06(2))

Sec. 54-53. Disposal of holding tank wastes.

- (a) No person in the business of collecting and disposing of holding tank wastes shall transfer such material wastes into any manhole or other appurtenance of any district sewer, or into any local, private building or lateral sewer which is a branch thereof, unless a permit for disposal of such wastes has first been obtained from the district.
- (1) Written application of such permit shall be made to the district and shall state the name and address of the applicant, the make, model, year, license number and capacity of the disposal unit and, where applicable, the state sanitary license number granted to the hauler by the state department of safety and professional services and/or department of natural resources~~commerce~~.
- (2) Permits shall be renewed on an annual basis. Applications for permits will be transmitted to all current permit holders by June 1 of each year. Completed applications shall be submitted to the district prior to July 1. The district shall either approve or deny each application prior to August 1. An annual fee of \$75.00 shall accompany each application for a permit. Charges for treatment of the disposed wastes will be based upon the unit costs of treatment.
- (3) The permit, or a copy thereof, shall be kept at all times with the disposal unit.
- (4) The permit will allow the holder to dispose of wastes, which are strictly domestic in origin. The discharge of any other wastes without prior approval of the district is prohibited.
- (b) No holding tank wastes may be disposed of into any sewer within the district without prior approval of the district.
- (c) No disposing of wastes after permit revocation.

- (1) The district may revoke any permit issued for any reason it deems sufficient. The issuance of a permit is not intended to create any interest in the permit holder, but is instead intended to allow the district to know about, monitor and properly charge for the disposal of waste.
 - (2) If the district revokes a permit, the revocation is effective on the date the order is mailed, by certified mail, to the address of the permit applicant.
 - (3) Continued disposal of holding tank wastes after revocation subjects the permittee or those acting pursuant to the permittee's direction to the penalties provided by law.
- (d) The disposal of holding tank wastes shall occur only at those sites designated by the district. Disposal at any location other than those designated by the district is prohibited.
- (e) See sections 54-51 and 54-52 for the installation of holding tanks.

(Code 1982, § 19.18)

Secs. 54-54—54-70. Reserved.

Division 3. Nonplumbing Sanitation Systems

Sec. 54-71. Restricted.

The use of nonplumbing sanitation systems is restricted as provided in this division.
(Code 1982, § 11.065)

Sec. 54-72. Prohibited systems.

Composting toilet systems, incinerating toilets and pit privies, as defined in Wis. Admin. Code § ~~Comm 91.03~~[SPS 391.03](#), are prohibited.
(Code 1982, § 11.065(1))

Sec. 54-73. Portable restrooms.

Portable restrooms may be allowed for use at temporary construction sites and seasonal truck farming operations when an indoor plumbing system is not available on the premises. In addition, portable restrooms may be used for temporary special events to handle anticipated increase in wastewater flow above the design capacity of the private sewage system located at the site. The following apply to these uses:

- (1) If plumbing is installed or running water is supplied, excluding hose bibbs and wall hydrants, to a structure on the premises, an acceptable method of sewage disposal other than, or in addition to a nonplumbing sanitation system must be provided.

- (2) Any required private sewage system that serves the use cannot be downsized due to the use of a nonplumbing sanitation system.
- (3) The use must comply with the provisions of Wis. Admin. Code ch. ~~Comm 94~~SPS 391, and associated regulations.

(Code 1982, § 11.065(2))

Sec. 54-74. Vault privies and portable restrooms for parks, golf courses and recreational areas.

Vault privies and portable restrooms will be allowed for parks, golf courses and recreational areas on a case-by-case basis. The following applies to these uses:

- (1) A need must be established to show why it is not feasible to use another technology allowed by Wis. Admin. Code ch. ~~SPS 383~~Comm 83, and this section.
- (2) If plumbing is installed or running water is supplied, excluding hose bibbs and wall hydrants, to a structure on the premises, an acceptable method of sewage disposal other than, or in addition to a nonplumbing sanitation system must be provided.
- (3) Any required private sewage system that services the use cannot be downsized due to the use of a nonplumbing sanitation system.
- (4) The use must comply with the provisions of Wis. Admin. Code ch. SPS 391~~Comm 94~~, and associated regulations.

(Code 1982, § 11.065(3))

Secs. 54-75—54-90. Reserved.

Division 4. Sanitary Sewer System

Sec. 54-91. Purpose.

The purpose of this division is to establish rules and regulations to promote and preserve the public sanitation within the town and to establish rules and regulations and sewer service rates and charges within Sewer Utility District No. 1 of the town.

(Code 1982, § 19.01)

Sec. 54-92. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the commission of the district or its duly authorized deputy, agent or representative.

BOD (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

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

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection or house lateral.

Category A means those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 250 mg/l, ~~and~~ phosphorus no greater than ~~six-10~~ mg/l, or chlorides no greater than 450 mg/l.

Category B means those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD, 250 mg/l of suspended solids, ~~and six-10~~ mg/l of phosphorus, or 450 mg/l of chlorides. Users whose wastewater exceeds the concentration for any one of these parameters shall be in category B.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Commission of the district means the duly appointed commission of the district.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, nitrogen, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants and, in fact, do remove such pollutants to a substantial degree.

District means Sewer Utility District No. 1 of the town and all present and future additions thereto.

Easement means an acquired legal right for the specified use of land owned by others for wastewater conveyance or treatment.

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

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

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

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial waste means the wastewater from industrial process, trade or business as distinct from sanitary sewage.

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

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 250 mg/l, ~~and~~ phosphorus no greater than ~~six~~ 10 mg/l, or chlorides no greater than 450 mg/l.

Operation and maintenance costs means includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater and collection and treatment facilities.

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

Person means any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

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

Phosphorus means total phosphorus expressed in mg/l of P (phosphorus).

Plumbing inspector means the plumbing inspector appointed by the town.

would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

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

Wastewater collection facilities or system means the structures and equipment required to collect and carry away domestic and industrial wastewater.

Wastewater treatment facility means the town's arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with wastewater treatment plant.

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

Wisconsin pollutant discharge elimination system (WPDES) permit means a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for the regional wastewater treatment facility.

(Code 1982, § 19.02)

Cross reference— Definitions generally, § 1-2.

Sec. 54-93. Adoption of state plumbing code and statutes.

- (a) The provisions of the State Plumbing Code, Wis. Admin. Code chs. ~~Comm-81—86~~ SPS 381-387, of the state department of commerce, and all amendments and additions thereto, in effect at any time hereafter, are incorporated herein by reference with the same force and effect as though set forth at length; provided, however, if there shall be any conflict between the provisions of these sections or other ordinances of the town and this Code, at any time, that provision shall govern which requires the maximum of compliance or is more restrictive. The provisions thereof and of these sections shall govern all plumbing as therein defined and no plumbing shall be installed except in accordance with this Code.
- (b) The provisions of Wis. Stats. § 145.06 are incorporated herein by reference as though set forth in length, provided that all plumbing work done with respect to connecting any building whether commercial, residential, industrial or otherwise to the sewer system of the district and of disconnecting and filling existing septic tanks shall be done under the direction of a master plumber, duly licensed by the state department of safety and professional services ~~commerce~~ or such other department with jurisdiction over licensing of plumbers.

(Code 1982, § 19.03)

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gasses in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (3) Any waters or wastes having a pH lower than ~~5.6-5~~ or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.
- (4) Any waters or wastes having a pH in excess of 9.0.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater, collection and treatment facilities, 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, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (6) The following described substances, materials, waters or waste shall be limited in discharges to the sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a nuisance. The commission of the district may set limitations lower than the limitations established in this division if, in its opinion, such more severe limitations are necessary to meet the objectives in this subsection. In forming its opinion as to the acceptability, the commission of the district will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewers which shall not be violated without approval of the commission of the district are as follows:
 - a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - b. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
 - c. Wastewater from industrial plants containing floatable oils, fat or grease.

Sec. 54-183. Review and approval for certain waters and waste; pretreatment facilities.

The admission into the public sanitary sewers of any waters or wastes having a five-day BOD greater than 200 parts per million by weight, containing more than ~~200-250~~ parts per million by weight of suspended solids, containing any quantity of substances having the characteristics described in section 54-18~~2~~⁴ in or having an average daily flow greater than two percent of the average daily sewage flow of the district, shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to 200 parts per million by weight, reduce objectionable characteristics or constituents to within the maximum provided for in this section or control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval to the state department of natural resources and the commission of the district. No construction of such facilities shall be commenced until such approvals are obtained in writing.

(Code 1982, § 19.08(3))

Sec. 54-184. Maintenance of pretreatment facilities.

Where preliminary treatment facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Code 1982, § 19.08(4))

Sec. 54-185. Control manhole.

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Code 1982, § 19.08(5))

Sec. 54-186. Special agreements.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town or the district and any concern whereby an industrial waste of unusual strength or character may be accepted by the town or the district for treatment, subject to payment therefor by the industrial concern.

(Code 1982, § 19.08(6))

Secs. 54-187—54-210. Reserved.

Subdivision V. Rates, Charges, Billing Procedures

Sec. 54-211. Purpose; use of proceeds.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the town and the district to provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance (including replacement) and the establishment of adequate cash reserves by levying upon and collecting from all lands, lots and premises served by having connections with the sewer system of the district or where connection to the sewer system of the district is available monthly sewerage service charges. The proceeds of such charges shall be used and set aside to provide for debt service, operation and maintenance (including replacement). Such sewerage service charges shall be so established so as to proportionately allocate the costs of operation and maintenance (including replacement) to each user class. In allocating such costs, factors such as strength, volume and delivery flow rate characteristics shall be utilized in determining the waste load contribution from each user class.
(Code 1982, § 19.09(1))

Sec. 54-212. Assessment of sewer service charge.

There is levied and assessed upon each lot, parcel of land or premises having any sewer connection with the sanitary sewer system of the district or for which sewer connection is available, a monthly sewer service charge ~~as set forth below of \$40.00 per month or \$120.00 per quarter, per unit~~, payable on or before April 30, July 31, October 31 and January 31 of each year. In addition to the charge, rental or rate of service, a further charge of ten percent shall be added thereto in each case of failure to make a timely payment. In each case, such charges shall be collected by the clerk-treasurer on behalf of the district. Each charge levied pursuant hereto is hereby made a lien upon the lot, land or premises served by the sewerage system of the district and additions thereto pursuant to law and shall be collected pursuant to Wis. Stats. § 66.0821, if not paid.
(Code 1982, § 19.09(2); Ord. No. 2013-01, § 1, 1-28-2013)

Sec. 54-213. Basis for assessments.

METHOD OF DETERMINATION. Customers in the town shall be billed quarterly, in an amount sufficient to provide adequate revenues for the purposes set forth above in Section 54-211. Residential and unmetered customers shall be billed at a flat rate based on the user classification set forth below. Metered customers shall be billed a volumetric charge based on meter readings with a minimum charge of two times the total residential user charge applicable to a single-family dwelling. Pollutant surcharges shall be passed on directly to the specific user.

(a) Category A. Category A includes sanitary sewer users who discharge normal domestic strength wastewater with concentrations of biochemical oxygen demand (BOD) no greater than 200 mg/l, suspended solids no greater than 250 mg/l,

phosphorus no greater than 10 mg/l, or chlorides no greater than 450 mg/l. The sewer service charge for category A wastewater shall be determined by resolution of the Town Board, from time to time.

(b) Category B. Category B includes sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD, 250 mg/l of suspended solids, 10 mg/l of phosphorus, or chlorides greater than 450 mg/l. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in category B. The sewer service charge for category B wastewater, as well as the amount of surcharges to be imposed by the Utility to cover the cost of treating exceedances, shall be determined by resolution of the Town Board, from time to time.

~~Assessments of charges to be levied pursuant to section 54-212, within the district and additions thereto, shall be made upon the basis of the following allocated units:~~

- ~~(1) — A single family dwelling shall equal one unit.~~
- ~~(2) — Multiple family dwellings shall equal one unit per each dwelling unit.~~
- ~~(3) — Other types of uses shall have such number of units computed as follows:~~

3 x (Wastewater flow) —	+	(BOD loading) —
3 x (Wastewater flow or single unit)		(Single unit BOD loading)
		4

~~Equals Number of Units
(Code 1982, § 19.09(3))~~

Sec. 54-214. Replacement charges.

All sewerage service charges specifically collected for replacement shall be deposited and maintained in a separate and distinct fund and shall be used exclusively for replacement as defined in Wis. Admin. Code § NR 128.03(18).
(Code 1982, § 19.09(4))

Sec. 54-215. Charges for increased costs in managing certain pollutants.

If a user discharges any toxic pollutant into the district's sewer system which cause an increase in the cost of managing the effluent or sludge of the district's treatment works, such user's sewerage service charges shall be adjusted to charge such user for such increased costs.
(Code 1982, § 19.09(5))

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