

**CHAPTER 12**  
**PUBLICLY OWNED TREATMENT WORKS AND COLLECTION SYSTEM**

**ARTICLE 12.00 PUBLICLY OWNED TREATMENT WORKS AND COLLECTION SYSTEM**

**12.01 CREATION.** The Village Board, pursuant to the provisions of §66.0621(1)(b), Wis. Stats., does hereby declare that the sewerage system of the Village consisting of the collection system (as hereinafter defined), waste collection and disposal operations, sewerage system and all other appurtenances, and equipment used for such purposes, or Wastewater Treatment Plant (as hereinafter defined) shall be designated the Village of Slinger Sewer Utility or the Sewer Utility. This public utility is not a public service subject to regulation by the Wisconsin Public Service Commission for the purposes defined above.

**12.02 PURPOSE AND GENERAL PROVISIONS.** This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the Village of Slinger. It provides for and explains the method used for imposing and collecting sewerage service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and the issuing of permits to certain users, and enables the Village to comply with administrative provisions and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Village of Slinger sewerage system. This Ordinance shall supersede any previous ordinance, rules or regulations, and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

**12.03 MANAGEMENT.**

The operation, management and control of the Sewer Utility is vested in the Village Board. All records of the Sewer Utility shall be kept by the Village Clerk in the Village Hall or other officially designated place.

(1) The Village Board or designated official shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through 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. The Village shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making an examination or to supervise in the performance of their duties under this ordinance, without liability therefore; and the Village Board or designated official shall have the power to purchase property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

(2) The rules, regulations and rates hereinafter set forth shall be considered part of the regulations applicable to every individual or entity connected to the sewerage system and all persons discharging wastes to the sewerage system. Such rules, regulations and rates may be changed from time to time as determined by the Village Board and the right is reserved to make special rates and contracts in all proper cases.

(3) The Village Board shall cause an annual audit of the books of the Sewer Utility to be made and shall make the books and records relating to the Sewer Utility available for inspection during regular business hours.

(4) A proportionate distribution of operation, maintenance and replacement costs shall be maintained among user classes. Users shall be notified annually of the sewer service charges associated with the sewerage system.

(5) The Sewer Utility shall be able to utilize the full authority provided in §66.0821, Wis. Stats., with respect to financing methods, sewerage service charges, and other matters therein dealt with, and shall have all legal authority permitted for municipal utilities to charge reasonable rates for services.

**12.04 APPLICATION.** The application of this subchapter, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limit of the Village and any person, firm or corporation, by attachment to the sewerage system or otherwise by contract or agreement coming within the Village sewer service area subsequent to the effective date hereof and all entities hauling wastes or trucking wastes and discharging to the sewerage system.

**12.05 DEFINITIONS.** The meaning of terms used in this subchapter shall be as follows:

*Act.* The Federal Water Pollution Control Act (33 USC 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243), or as modified by Chapters 281 and 283 Wis. Stats., or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapters 281 and 283.

*Ammonia Nitrogen (NH<sub>3</sub>-N).* One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in “Standard Methods” or Chapter NR 149 of the Wisconsin Administrative Code.

*Biochemical Oxygen Demand (BOD).* The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20°C. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods.”

*Building Sewer, Lateral or Service Pipe.* A sewer which carries only sewage or industrial wastes from the building plumbing to the public sanitary sewer.

*Capital Costs.* The cost of acquiring, purchasing, leasing, planning, designing, constructing, extending and improving all or any part of the sewerage system and of paying principal, interest or premiums on any indebtedness incurred for these purposes.

*Collection System.* The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.

*Connection.* Each physical connection to the municipal collection system, including any private sewer system that connects to the municipal collection system.

*Debt Retirement.* All annual principal and interest requirements and obligations of the Village for the sewerage system.

*Decant Waste.* Scum, liquid, sludge or other waste from a holding tank from which a portion of the liquid has been decanted. Any hauled waste with a strength of 500 – 1,000 mg/l of BOD, 250 – 1,000 mg/l of TSS or 20 - 100 mg/l of Phosphorous shall be considered decant waste.

*Discharge.* The introduction of pollutants into the sewerage system from any non-domestic source regulated under §307(b), (c) or (d) of the Act.

*Discharge Monitoring Station.* A sampling and metering station required to be installed through a discharge monitoring agreement signed by an industrial user with the Village in order to obtain information on that user's discharge to the system and to establish sewer user charges.

*Domestic Wastewater.* Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 200 mg/l and the BOD is established at or below 200 mg/l and phosphorus at or below 6 mg/l.

*Fixed Charge.* A charge levied on users monthly for each lateral connected to the public sanitary sewer. The revenues generated from the fixed charge shall be used to cover expenditures relating to customer costs and costs related to flow not attributable to users (infiltration/inflow).

*Flow Proportional Composite Sample.* A sample consisting of portions of waste taken in proportion to the volume of flow of such wastes.

*Holding Tank Waste.* Scum, liquid, sludge or other waste from a holding tank.

Any hauled waste with a strength of less than 500 mg/l of BOD, 250 mg/l of TSS or 20 mg/l of Phosphorous shall be considered holding tank waste.

*Indirect Discharge.* See *Discharge*.

*Industrial Cost Recovery.* Recovery by the approving authority from the industrial users of the sewerage system of the amount allowable for the treatment of wastes from such users pursuant to §204(b) of the Federal Act.

*Industrial User (Class III).* Any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classifications Manual. Class III also shall include any user that discharges wastewater containing toxic or poisonous substances as defined in §307 or §502 of the Act, or any substance(s) causing interference in the wastewater facilities. Class III shall include any nonresidential user who: 1) is subject to national categorical pretreatment standards, 2) has a non-domestic flow of 25,000 gallons or more per average work day, 3) contributes more than 5% of the average dry weather capacity of the wastewater facility, or 4) is determined by the Approving Authority or Utility Superintendent to have the potential to adversely affect the wastewater facility.

*Industrial Waste.* Any waterborne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharge from, flow from or escape from any commercial, industrial, manufacturing or food processing operation or process; from the development of any natural resource; or any mixture of these with water or domestic wastewater.

*Intercepting Sewer.* A sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage 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 Wastewater Treatment Plant, or is to serve in lieu of an existing or proposed Wastewater Treatment Plant.

*Interference.* The inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

*May.* Permissible.

*Municipal Wastewater.* The wastewater of a community and approved sanitary districts. From the standpoint of the source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants together with any groundwater, surface water, and stormwater that may have entered inadvertently into the sewerage system.

*Natural Outlet.* Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*Normal Sewage.* Sanitary sewage in which BOD and total suspended solids concentrations do not exceed normal concentration of:

- (a) A 5-day, 20°C BOD of not more than 200 parts per million.
- (b) A total suspended solids concentration of not more than 200 parts per million.
- (c) A phosphorus concentration of not more than 6 parts per million.

*Operation and Maintenance Cost (O&M).* The actual sums spent by the Village in the operation and maintenance of its sewerage system consisting of, but not limited to, each and all of the following purposes:

- (a) Wages and salaries and employees related to expenses of operation, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State Workmen's Compensation coverage.
- (b) Electrical power and other utility services.
- (c) Chemicals, fuel and other operating supplies.
- (d) Repairs to and maintenance of associated equipment.
- (e) Premiums for hazard insurance.
- (f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.
- (g) Rents and leasing costs.
- (h) Operation, licensing and maintenance costs for trucks and heavy equipment.
- (i) Consultant and legal fees.
- (j) Training and educational expenses.
- (k) Routine capital improvements approved in the annual budget.

*Ordinance Administrator.* The Village Building Inspector shall be the ordinance administrator for purposes of enforcing the provisions of this ordinance.

*Person.* Any and all persons, including an individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.

*pH.* The logarithm (base 10) of the reciprocal of the hydrogen concentration expressed in grams per liter. It shall be determined by one of the procedures outlined in “Standard Methods.”

*Phosphorus.* The Total Phosphorus as determined in procedures set forth in “Standard Methods.”

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge to the Village sewerage system.

*Private Sewer.* A privately owned sewer serving two or more buildings and not directly controlled by a public authority.

*Public sewer.* A sewer that is controlled or owned by the public authority.

*Replacement Fund.* Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the Wastewater Treatment Plant to maintain the capacity and performance for which such works were designed and constructed.

*Residential Equivalent Connection (REC).* The wastewater flow and loadings to the sewerage system equivalent to that contributed by an average residential family unit. An average residential family equivalent shall be calculated from time to time by the Village based upon the total residential water use divided by the total number of residential customers.

*Residential User (Class I).* All premises used only for human residency and that are connected to the sewerage system.

*Sanitary Sewer.* A sewer that conveys domestic wastewater or industrial waste, or a combination of both and into which storm, surface and groundwater or unpolluted industrial wastewater are not intentionally contributed.

*Septage.* Scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap. Any hauled waste with a waste strength greater than 1,000 mg/l of BOD, 1,000 mg/l of TSS or 100 mg/l of Phosphorous or higher shall be considered septage.

*Sewer Service Area.* The areas presently served or anticipated to be served by a municipal sewerage system, as defined in the Sanitary Sewer Service Area for the Village of Slinger that is part of the SEWRPC Regional Water Quality Management Plan.

*Sewerage System.* All facilities for collecting, transporting, pumping, treating and disposing of domestic wastewater, industrial wastes and hauled waste. Also may be referred to as sewer system. The facilities that convey wastewater from individual structures from private property to the public sanitary sewer are specifically excluded from the definition of “sewerage system”; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of the sewerage system when such units are allowed by the Village.

*Shall.* Mandatory.

*Slug.* Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the Wastewater Treatment Plant.

*Standard Methods.* The examination and analytical procedures set forth in the latest edition of “Standard Methods for the Examination of Water and Wastewater” as prepared, approved and published jointly by the American Public Health Association and the Water Pollution Control Federation.

*Standby Charge.* A charge, equal to 100% of the sewer use charge as defined in Section 12.07(3) of this Chapter, imposed on properties that are adjacent to a public sewer but which have failed to connect to the public sewerage system within 365 days after the public sewer first becomes operational.

*Storm Sewer.* A sewer which carries storm and surface drainage, but excludes domestic wastewater and industrial wastes.

*Surcharge User.* A user of the sewerage system who discharges waste, which have higher concentrations than domestic wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than domestic wastewater.

*Total Suspended Solids (TSS).* Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by a laboratory filtration device. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in “Standard Methods.” Also referred to as suspended solids.

*Toxics.* Any of the pollutants defined by federal regulations pursuant to §307(a)(1) of the Act.

*Unpolluted Water.* Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharging to the sanitary sewers and Wastewater Treatment Plant provided.

*Use Factors.* Flow, BOD, total suspended solids and infiltration/inflow or the quantity of these factors as determined by the Village by sampling and monitoring the Wastewater Treatment Plant influent and surcharge users and from the Water Utility records.

*User.* Any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other wastes hauled or tracked to the sewerage system.

*User Charge.* A charge levied on users to recover the component of total operation, maintenance and capital costs of the sewerage system which relates to sewage flow generated by users of the system. The user charge shall consist of a volumetric charge in terms of dollars per unit of metered water usage.

*Utility Superintendent.* The Utility Superintendent of the wastewater treatment and conveyance facilities, who shall be in charge of and supervise the operations and functions of the wastewater treatment and conveyance facilities and who shall report to the Village Administrator.

*Waste.* Any solids, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions, industrial establishments and septage haulers into the collection system, storm sewer or septage receiving station.

*Waste Hauler.* A person or business holding a valid license to do septage servicing under NR 113.

*Wastewater.* A combination of the water carried waste discharged into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

*Wastewater Pumping Station.* A pumping facility utilized to pump wastewater within the collection system.

*Wastewater Treatment Plant (WTP).* Any Village owned facility, devices and structures used for receiving and treating wastewater from the Village collection system.

*Water Utility.* The Slinger Water Utility.

*WPDES Permit.* A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES), as defined in Ch. 283.01(10), Wis. Stats.

## **12.06 GENERAL RULES AND REGULATIONS.**

(1) **DECLARATION OF POLICY.** The Village Board finds and declares that the public health, comfort and safety is preserved and enhanced by the provision of the sewerage system in the promotion of a clean and healthful environment and that the failure to connect to the sewerage system is contrary to minimum health standards.

### **(2) CONNECTION.**

(a) To assure preservation of public health, comfort and safety, the owner of any house, building or property used for human occupancy, employment, recreation or other habitation, situated within the Village and adjacent to a public sewer or in a block through which a public sewer extends, shall connect to such system in accordance with the provisions of this Chapter within 365 days as specified in a written notice to connect from the Village Board or designated official, or if an immediate hazard exists within 30 days upon receipt of notice from the Village Board or designated official.

(b) If any person fails to comply with subsection (a) above, the Village, at its option, may take any or all of the following actions, which are not mutually exclusive, and which shall be in addition to other applicable penalties and remedies:

1. Impose damages, penalties and remedies pursuant to Section 12.16 of this Chapter.
2. Cause such connection to be made and the expense of the connection shall be assessed as a special tax against the property. The owner may, within thirty (30) days after the completion of the work by the Village file a written option with the Village Treasurer stating that he or she cannot pay the amount in one sum and ask that it be levied in not to exceed five (5) equal annual installments and that the amount shall be so collected with interest at a rate not to exceed 15% per year from the completion of the work. The unpaid balance shall be a special tax lien against the property.
3. Impose a standby charge for the period of time in violation of subsection (a) above, after providing at least ten (10) days written notice to any owner failing to make a connection to the sewerage system, for an amount equal to 100% of the sewer use charge as defined in Section 12.07(3) of this Chapter payable monthly for the period in which the failure to connect continues. In the event the applicable house, building or property is not

connected to metered water, the sewer use charge shall be calculated based upon an estimate of water used by the facility as determined by the Village approving authority or its designee, which estimate shall be stated in the notice to the property owner. Upon failure to make such a payment, said charge shall be imposed against the lot or parcel as a special charge pursuant to Section 66.0627, Wisconsin Statutes.

(3) ALTERNATIVE DISPOSAL PROHIBITED.

(a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of domestic wastewater if a public sewer is available. No new buildings may be constructed within the sewer service area of the Village without connecting to the public sewerage system.

(b) No person shall discharge to any natural outlet within the Village, or in any area under the jurisdiction of the Village, sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(4) PLUMBERS. No plumber or other person will be permitted to engage in or work at any plumbing in connection with the sewerage system without first receiving a license from the Wisconsin Department of Commerce.

(5) GENERAL USER REGULATIONS.

(a) Application for Service.

1. Every person requesting connection to the sewerage system shall file an application in writing to the Village in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village Clerk. For new home construction, this application will be included in the building permit packet. The application must state fully and truly all the use which will presently be made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and permission from the Village Engineer. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.
2. 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.
3. If it appears that the service applied for will provide adequate service for the contemplated use, the Building Inspector may issue a permit, after appropriate fees are paid, for services as shown on the

application. If it appears that the service applied for will not provide adequate service for the contemplated use, the Building Inspector may reject the application.

4. All expenses relating to the connection to the sewerage system shall be paid by the applicant or owner at the time of permit issuance.

(b) Connection Costs. Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense. The Sanitary Sewerage Facilities Impact Fee shall also be paid at the time of issuance of a building permit.

(c) Tap Permits. After sewer connections have been installed 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 obtain and exhibit the proper permit for the same from the Village Board or designated official.

(d) Laterals; User to keep in Good Repair. All users shall keep their own laterals in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the sewerage system. The user is responsible for their lateral from the street main through their facility served.

(e) Backflow Preventor. All floor drains shall have a backflow prevention valve installed at the owner's expense.

(f) User Use Only. No user shall allow other persons to connect to or permit other uses to be made of the sewerage system through his or her lateral.

(g) Vacating of Premises and Discontinuance of Service. Whenever premises served by the sewerage system are to be vacated, or whenever any person desires to discontinue service from the system; the Village must be notified in writing. The owner of the property shall be liable for any damages to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(h) User to Permit Inspection. Every user shall permit the Village or its 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. Should the owner or occupant of the premises refuse voluntary access to the premises, the Building Inspector is authorized to seek a special inspection warrant under §66.0119, Wis. Stats.

(i) Responsibility. No claim shall be made against the Village or its agents or employees by reasons of the breaking, clogging, stoppage or freezing of any service pipe, nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the Village absent of gross negligence of the Village, its agents or employees. The Village may 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 shutoff the sewer service within an area of the Village, the Village shall, if practicable, give notice to each affected user of the time when such service will be shut off.

(6) EXCAVATIONS. Excavation requirements in any easement or public right-of-way shall be as specified and required by the authority having jurisdiction over such easement or right-of-way.

(7) LATERALS.

(a) All laterals on private property will be installed in accordance with the Wisconsin Administrative Code as from time to time amended.

(b) All laterals installed in the public right-of-way shall be a minimum of 6 inches in diameter.

(c) The building sewer shall be inspected by the Building Inspector or his designee upon completion of placement of the pipe and before backfilling, and tested before and after backfilling. The Building Inspector or his designee may order any lateral exposed and removed if such lateral is covered before inspection.

(8) PRIVATE SEWER LINES. Any private sewer lines serving more than one building or any private laterals over 300 feet within the public road right-of-way shall be designed to meet the requirements for public sewerage systems in Chapter NR 110 of the Wisconsin Administrative Code.

(9) TAPPING THE MAINS. No persons except those having special permission from the Village or persons in their service and approved by them, will be permitted under any circumstances to tap the public sanitary sewers. The kind and size of the connection to the public sanitary sewers shall be that specified in the permit or order from the Village. A minimum of 48 hours notice shall be given to the Village prior to tapping any main.

(10) EXTENSIONS. The Village shall extend sewer mains to a new person(s) in accordance with the following charges and the following conditions.

(a) When an extension of a sewer main is required by the prospective user, said person shall make an application on such a form as is prescribed for that purpose for such an extension in writing to the Village Board or designated official. The Village Board or designated official shall determine the length, diameter and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.

(b) When a sewer main is extended in response to a request by a prospective user, the Village may finance the cost to extend the main and place a special assessment for the cost of the extension on the property of the person(s) who made the request and other benefitting properties. If the Village determines that, in order to serve future development, the sewer main extension needs to be of a greater diameter than is necessary to serve the property of the applicant, the Village shall pay for the difference in the cost of the materials necessary to oversize the main to serve said future development and shall not include such difference in materials cost in the special assessments. All labor costs to install the sewer main extension shall be included in the special assessment.

(c) The Village Board may require the developer to enter a developer agreement between the Village and the developer that shall state the share of the costs of the sewer main extension that will be paid for by the developer or prospective user.

(d) In addition to the charges made as above provided to each lot, each user shall pay the full cost of the lateral from the main to their building.

(11) CHLORIDE REDUCTION. As required by the Wisconsin Department of Natural resources and in order to reduce chloride in wastewater treated in the wastewater treatment plant, the following rule is created with regard to water softener installation:

(a) Water Softeners. All new or replacement water softeners installed in residential, commercial, industrial and institutional buildings within the village limits and in all sanitary districts and utility districts served by the village wastewater treatment facility shall be “demand-based” water softeners. Water softeners functioning only at predetermined time intervals shall no longer be permitted in the Village, sanitary districts, and utility districts.

## **12.07 ANNUAL BUDGET AND SEWER SERVICE CHARGES.**

### **(1) GENERAL**

(a) It shall be the policy of the Sewer Utility to establish sewer service charges in such amount as to obtain sufficient revenues to pay the following costs: 1. operation and maintenance including contributions to a replacement fund; 2. debt service including debt service reserves and coverage requirements.

(b) Those aspects of sewerage service charges relating to operation, maintenance and replacement fund shall be in accord with any relevant and applicable requirements imposed by the Wisconsin Department of Natural Resources or by federal law.

(c) The utility may establish sewer service charges including sewer user charges, monthly fixed charges, septage charges, ready to serve charges, charges to extraterritorial users and other charges as deemed necessary by the Village Board so as to assure that each user of the sewerage system pays its proportionate share of the cost of such facilities.

(d) A review of the user charge system shall be conducted on an annual basis. This review shall include an analysis of the total costs of the system and of wastewater contribution of users and user classes.

(e) The charges established hereunder may be developed using a utility ratemaking method, which would include recovery of operation and maintenance costs plus depreciation and a return on investment.

(2) BUDGET TO BE PREPARED. On an annual basis, the Village Administrator shall prepare a Sewer Utility Budget. The budgeted revenues shall be sufficient to cover projected operation, maintenance and debt service costs of the sewerage utility.

(3) USER CHARGE.

(a) A user charge is hereby imposed upon all users of the sewer system. The user charge will recover the component of total operation, maintenance and capital costs of the sewerage system, which relates to sewage flow attributable to users of the system. The user charge shall be based upon the cost of treating flow, BOD, suspended solids and phosphorus at the strength of domestic wastewater. The User charge shall consist of a volumetric charge in terms of dollars per unit of metered water usage. The basis for billing user charges shall be metered water usage. For users assigned a residential equivalent connection (REC) as defined in §12.07(11), the REC shall be the basis for the user charge.

(b) If any user of the sewer system is allowed by the Village to procure any part or all of his water from sources other than the Water Utility, the user shall furnish, install and maintain at his or her expense water meters of a type approved by the Water Utility for the purpose of determining the volume of sewage discharged to the sewer system. At the discretion of the Village, a user procuring water from other sources than the Water Utility may be assigned a residential equivalent connection (REC) to be used as a basis for the user charge as determined from §12.07(11). If in the opinion of the Village Engineer the information in §12.07(11) does not accurately reflect the user's wastewater discharge to the sewerage system, then the Village Engineer may assign a REC to the user. The user charge for non-metered users shall be based upon an estimated usage equivalent to the number of assigned RECs multiplied by the average annual residential sewer usage.

(c) The residential water consumption for sprinkling as determined by the Water Utility and any water credit meters for any refrigeration, air conditioning system or industrial cooling water not entering the sewer system shall not be used in computing the user charge.

(4) MONTHLY FIXED CHARGE. A monthly fixed charge is hereby imposed upon each user connected to the sewerage system. The monthly fixed charge shall recover costs related to wastewater treatment flow not directly attributable to users (infiltration/inflow) and customer costs (including accounting and billing). The monthly fixed charge shall be levied to each lateral connection to the sewerage system and will consist of a flat fee per connection.

(5) SURCHARGES FOR CERTAIN INDUSTRIAL USERS. A surcharge shall be levied on all users of the system who discharge wastes that have concentrations of BOD, suspended solids or phosphorus greater than domestic wastewater. The surcharge shall apply to any additional loadings over and above that which would be generated on wastes at a strength equal to domestic wastewater. The volume of flow used for computing waste surcharges shall be the metered water consumption or the actual volume of waste as determined by a sampling and metering manhole or a discharge monitoring station. The amount of surcharge shall reflect the cost incurred by the Village in removing BOD, suspended solids and phosphorus.

(6) STANDBY CHARGE. A standby charge shall be imposed on each property to which the Village has made sewer service available and a connection to the system for service has not been made within 365 days from the date of notice by the Village that the sewer service is available. The standby charge shall be equal to 100% of the sewer use charge as defined in Section 12.07(3). In the event the applicable house, building or property is not connected to metered water, the sewer use charge shall be calculated based upon an estimate of water used by the facility as determined by the Village approving authority or its designee, which estimate shall be stated in the notice to the property owner.

(7) HAULED WASTE CHARGE.

(a) Charges shall be imposed for hauled waste treatment and disposal. Charges for hauled waste discharges shall be based on flow, BOD, TSS, phosphorus and such other constituents that affect the cost of treatment and disposal. The volume of flow used for computing the hauled waste charge will be the volume of hauled waste discharged. All persons discharging hauled waste that has concentrations greater than domestic wastewater shall be subject to a surcharge. The amount of surcharge shall reflect the cost incurred by the Village for removing BOD, TSS, phosphorus and other pertinent constituents.

(b) The following waste strength parameters shall serve as the basis for computing the surcharge to be applied, unless the hauled waste discharge is sampled and analyzed:

	<i>Septic Tank</i>	<i>Decant</i>	<i>Holding Tank</i>
BOD	> 1,000 mg/l	500 – 1,000 mg/l	< 500 mg/l
TSS	>1,000 mg/l	250 – 1,000 mg/l	< 250 mg/l
Phosphorus	> 100 mg/l	20 – 100 mg/l	< 20 mg/l

(c) Any hauled waste with a waste strength greater than 1,000 mg/l of BOD, 1,000 mg/l of TSS or 100 mg/l of Phosphorus shall be considered septic tank waste for the purposes of imposing the charge on hauled waste.

(d) All costs associated with administering the discharge of hauled waste to the WTP, sample collection, laboratory analysis and billing will be paid by the waste hauler.

(8) SPECIAL RATES. It is understood that the Village Board may at any time hereafter set special rates for any large commercial service, industrial use, extraterritorial areas, contract users or any other unique user that does not readily fit into other categories of users.

(9) EXTRATERRITORIAL SERVICES.

(a) Municipal sanitary sewer service may be provided to extraterritorial locations on request. Such service may require municipal ownership of the interceptor and collection system, excluding laterals, and shall require compliance with Village policy pertaining to annexation.

(b) Except where negotiated and approved by the Village Board, the Village shall not be held financially responsible for planning, design or construction costs of the extraterritorial sewer system.

(c) Extraterritorial sewer recipients shall pay sewer user charges as established by the Village.

(10) ACCOUNTS AND FUNDS.

(a) Income and revenues derived by the Sewer Utility shall be placed in an account which is separate and distinct from the Village General Fund.

(b) A replacement reserve fund shall be maintained with the purpose of providing for the replacement of mechanical equipment in order to maintain the capacity and performance for which the sewer system facilities were designed. Other segregated funds (e.g. debt reserve fund) may be established and maintained as necessary.

(c) The debt service fund shall contain all revenue transferred from special assessment, tax incremental finance funds, property taxes, residential equivalency charges and other sources intended for debt. This fund shall be used only for the payment of principal and interest and fees directly related to debt payments.

(11) SANITARY SEWERAGE FACILITIES IMPACT FEE

(a) AUTHORITY. This section is authorized under §66.0617, Wis. Stats. The provisions of this ordinance shall not be construed to limit the power of the Village to adopt such ordinance pursuant to any other source of local authority, nor to utilize any other methods or power otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this ordinance.

(b) PURPOSE. The purpose of this section is to promote the public health, safety and general welfare of the community and to facilitate the adequate provision for sanitary sewerage facilities by imposing impact fees upon those wishing to connect to the

Village's sewer system or those mandated to connect in accordance with §12.06(2), to pay for the capital costs that are necessary to accommodate land development.

(c) DEFINITIONS. As used in this section, the following terms shall have the meanings indicated:

*Capital Cost.* The capital costs to construct, expand, upgrade or improve public facilities, including the cost of land, and including legal, engineering and design and permit costs to construct, expand, upgrade or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Village can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. Capital costs do not include other non-capital costs to construct, expand, upgrade or improve public facilities, the costs of equipment to construct, expand, upgrade or improve public facilities or the costs for vehicles.

*Developer.* A person that constructs or creates a land development.

*Impact Fees.* Cash fees imposed upon a developer under this chapter.

*Land Development.* The construction or modification of improvements to real property that creates additional residential dwelling units within the Village of Slinger Sanitary Sewer Service Area or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village of Slinger Sanitary Sewer Service Area.

*Residential Equivalent Connection (REC).* A unit of measure for sewer related impact fees equivalent to the average amount of sewer capacity needed to supply one single-family residential dwelling unit. For the purpose of the sanitary sewerage facilities impact fees established under this Ordinance, one REC shall be equal to 68,167 gallons annually.

(d) IMPOSITION OF IMPACT FEES.

1. Impact fees are hereby imposed on all land development within the Village of Slinger.
2. For all development, impact fees shall be due in full upon the issuance of a building permit.

(e) SANITARY SEWERAGE FACILITIES IMPACT FEE.

1. Any developer creating or constructing development within the Village shall pay a fee to the Village to provide for the capital costs of sanitary

sewerage facilities that are necessary to accommodate land development, except as provided in Paragraph (f) below.

2. The amount of the fee per unit to be constructed or created by the proposed development, subject to adjustment pursuant to Paragraph (g) below, shall be as follows:

a. The sanitary sewerage facilities impact fee shall be \$4,816 per REC, subject to adjustment as described in Paragraph (h) below.

b. For all residential users of the sanitary sewer system, the following table shall be used to determine the number of residential equivalent connections (REC) per dwelling unit or building.

<b>Residential Users</b>	<b>REC</b>
Condominium	1.00
Single-family home	1.00
Duplex	2.00
Multiple-family (2 bedrooms or more)	1.00/unit
Multiple-family (1 bedroom or less)	0.75/unit

c. For all nonresidential users of the sewer system, anticipated sewer consumption shall be estimated from the following table for purposes of computing sewer impact fees unless the Village Engineer/Public Works Director determines that the information in the table does not accurately reflect the user's anticipated sewer consumption, in which case the Village Engineer/Public Works Director will estimate sewer consumption. The RECs will be determined by dividing the estimated sewer consumption by the sewer consumption for 1 REC. Upon completion of the REC computations, all RECs will be rounded up to the nearest 0.5 REC.

<b>Standard Industrial Classification Code</b>	<b>Description</b>	<b>Gallons per Employee Hour</b>
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0
1446	Industrial sand	5.0
1521	General contractors - Residential	2.3
1541	General contractors - Industrial buildings and warehouses	2.3

1611	General contractors - Public works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors (not elsewhere classified)	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups (not elsewhere classified)	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2752	Commercial printing, lithographic	10.0
2789	Book binding and related work	10.0
2795	Lithographic platemaking and related services	25.0
2819	Industrial inorganic chemicals (not elsewhere classified)	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations (not elsewhere classified)	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0

3469	Metal stampings (not elsewhere classified)	5.0
3471	Electroplating, plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services (not elsewhere classified)	100.0
3495	Wire springs	2.3
3498	Fabricated pipe and fittings	2.3
3499	Fabricated metal products (not elsewhere classified)	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery and equipment (not elsewhere classified)	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical (not elsewhere classified)	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3
3694	Electrical equipment for internal combustion engines	2.3
3714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries (not elsewhere classified)	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3

5054	Electrical appliances	2.3
5072	Hardware - Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products (not elsewhere classified)	10.0
5199	Wholesale nondurable goods (not elsewhere classified)	10.0
5211	Lumber and other building materials	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware - Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries - Baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0

5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3
5992	Florists	10.0
5999	All other retail stores	2.3
6022-9	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery sub-dividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5 REC/Unit
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7261	Funeral service and crematories	15.0
7299	Miscellaneous services (not elsewhere classified)	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photofinishing labs	10.0

7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Top and body repair shop	5.0
7534	Tire re-treading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services (not elsewhere classified)	20.0
7832	Motion picture theaters, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services (not elsewhere classified)	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0
8231	Libraries and information centers	20.0
8249	Vocational schools (not elsewhere classified)	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations (not elsewhere classified)	2.3

8911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government (not elsewhere classified)	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
9999	All offices (not elsewhere classified)	2.3

SIC Code Source: Office of Management and Budget, Executive Office of the President

d. Since the impact fee determined under subsections (a) or (c) above is based upon the estimated intended usage, the Village shall have the right to recalculate the charge based upon actual usage for a 12-month period. At any time between the first and third anniversary dates of establishment of the nonresidential sewer service account, the Village may review the account history to determine the highest actual recorded usage in a 12-month period.

e. Based upon the information obtained under subsection (d), the Village may recalculate the impact fee. If the recalculated charge exceeds that of the amount paid for the original charge, the additional amount shall become due and payable at the time the adjustment is made.

f. Such fees collected by the Village shall be placed in a special fund which shall be separate from the general fund of the Village, and the special fund and all interest earned thereon shall be used exclusively for the particular capital costs for which the fee was imposed.

g. Such fees shall be expended by the Village for the aforesaid purpose within the time limits set forth in Wis. Stats. §66.0617(9), or such fee amount paid along with any interest that has accumulated shall be refunded by the Village to the current owner(s) of the property with respect to which such fee was imposed.

(f) FEE REDUCTION. Any impact fee imposed under this section shall be reduced to compensate for capital costs otherwise imposed by the Village, upon the land development subject to this section, for the same public facilities for which an impact fee has been imposed under this section, including by way of special assessments, special charges, land dedications, or any ordinance adopted thereunder or any other items of value. Impact fees imposed under this section shall also be reduced to compensate for moneys received from the federal or state government specifically to provided or pay for

the public facilities for which the impact fees under this section are imposed.

(g) EXEMPTION FROM FEES. The lawful new construction of a single-family dwelling structure upon a nondivisible parcel of land supporting or having supported a habitable single-family dwelling structure razed or to be razed within one year of the date of the issuance of a building permit for the new construction as part of the new construction project shall be exempt from the fees imposed under this chapter. Any new construction of a single-family dwelling structure upon a single parcel of land, which project is similar to but not exactly as described above to be exempt, may be found to be exempt upon application to the Village Board and a finding by the Village Board that such project does not bear a rational relationship to the need for new, expanded or improved public facilities required to serve such development. Such application shall be made to the Village Board prior to the payment of any fees under this section.

(h) ADMINISTRATION AND REVIEW. All fees collected and special accounts maintained under this section shall be subject to administration by the Village Treasurer. The Treasurer shall report annually to the Village Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. The revenue and expenditure totals for each impact fee must also be included in the Village's annual budget, and a summary of the revenue and expenditure totals for each impact fee must also be made available in the Village's annual budget summary required under Wisconsin State Statute §65.90 (3) (a).

As part of the annual budget process, the Village Board shall review and consider for adoption the proposed impact fee amounts set forth in the above Paragraph (11)(e)2.a. At such time that the impact fee is adjusted to the maximum amount calculated in the Public Facilities Needs Assessment (\$4,816 per REC), the impact fees shall be increased annually at a rate equal to the percentage change in the Engineering News Record Construction Cost Index for the previous 12 months, with the adjustment effective January 1 of each year. The Village Treasurer or designee shall calculate the adjusted fees and maintain a copy of the calculation and the adjusted impact fees in the office of the Village Clerk.

(i) APPEAL. Any developer upon whom an impact fee is imposed under this section shall have the right to contest the amount, collection or use of the impact fee to the Village Board, provided that the developer files a written notice of appeal in the Village Clerk's office within 15 days of the developer's filing of an application for a building permit upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's name, address, telephone number, address (if available) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village

Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the developer of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

## **12.08 METHOD OF BILLING AND PAYMENT OF CHARGES.**

(1) TERMS OF PAYMENT. Sewer service charges shall be for the corresponding period of the water bills and shall be payable to the Village Treasurer. Statements for such charges and assessments levied and assessed in accordance with this subchapter shall become due and payable within 20 days after date of issuance. A penalty of 1% per month shall be added to all bills not paid by the date fixed for final payment.

(2) BILLING. The property owner is held responsible for all sewer bills on premises that he or she owns. All sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and/or occupant and delivered to the addressee by first class mail.

(3) FAILURE TO RECEIVE BILL, NO PENALTY EXEMPTION. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period nor exempt any person from any penalty imposed for delinquency in the payment thereof.

### **(4) DELINQUENT ACCOUNTS.**

(a) Authority. The Village Board of the Village of Slinger adopts §66.0821(4)(d), Wis. Stats., by reference.

### **(b) Procedure.**

1. The Village Engineer shall inform the Village Treasurer before October 15 of each year of all lots or parcels for which sewer charges are still owed for service supplied in the year preceding October 1.
  2. On October 15 in each year, notice shall be given by the Village Treasurer to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sewer Utility; that unless the delinquent account is paid by November 1 thereafter, a penalty of 10% of the amount of such arrears will be added thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real

estate to which utility service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate. On November 16 the Village Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate, giving the legal descriptions thereof, to the owners or occupants of which notice of arrears in payment where given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided.

(c) Lien for delinquent charges. Each delinquent amount for sewer service, including penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the Village Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said delinquent tax if the same is not paid within the time required by law for payment of taxes upon real estate.

(d) Sewer service to rental dwelling units. This section applies only if all of the following conditions are met:

1. Sewer Utility service is provided to a rental dwelling unit.
2. The owner of the rental dwelling unit notifies the Utility in writing of the name and address of the owner.
3. If requested by the Utility, the owner of the rental dwelling unit provides the Utility with a copy of the rental or lease agreement in which the tenant assumes responsibility for the payment of the utility charges.

(e) Compliance. The Sewer Utility shall comply with at least one of the following methods of notification:

1. The Sewer Utility shall send bills for sewer service to a customer who is a tenant in the tenant's own name. Upon notification to a customer who is a tenant that charges for sewer service provided by the Utility to the customer are past due for more than one billing cycle, the Utility shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in §801.14(2), Wis. Stats. If a customer who is a tenant vacates the rental dwelling unit and the owner of the rental dwelling unit provides the public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice containing a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the Utility shall continue to send past due notices to the customer at his or her forwarding address until the past due charges are paid or until notice has been provided the owner of the rental dwelling unit

in the manner set forth below.

2. The Sewer Utility shall serve notice of the past due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges become past due. The public utility shall serve notice on the owner of the rental dwelling unit in the manner provided in § 801.14(2), Wis. Stats.

## **12.09 PROHIBITED DISCHARGES.**

(1) **STORM AND SURFACE WATER.** No person shall discharge or cause to be discharged storm water, ground water, roof runoff, subsurface drainage, storm water retention or detention settlings, cooling water or hauled waste to any sanitary sewer. Ground water may be accepted with special approval only, from engineered remediation projects if it is determined that the collection or treatment system will not be adversely affected. Cooling water shall be discharged to an approved storm sewer with Village and DNR approval.

(2) **PROHIBITED POLLUTANTS.** No person shall discharge or cause to be discharged to the collection system, either directly or indirectly, pollutants prohibited by ss. NR 211.10 Wis. Adm. Code or any of the following described wastes or wastewater:

(a) Any wastewater having a temperature which will inhibit biological activity in the WTP resulting in interference; but in no case wastewater with a temperature at the introduction into the WTP which exceeds 104°F (40°C).

(b) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32° to 150°F (0° to 65°C).

(c) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the WTP or sewerage system in a quantity that may cause acute worker health and safety problems.

(d) 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 sewer system 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 flesh, entrails, paper plates, cups, milk containers, etc., either whole or ground by garbage grinders.

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

(f) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.

(g) Any wastes or wastewater having a pH lower than 5.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the sewerage system.

(h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewer system.

(i) Any wastewater or wastes containing a toxic or poisonous substance, such as plating or heat treating wastes, in sufficient quantity to injure or interfere with wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the sewerage system.

(j) Wastes containing metals in quantities that would cause the Village to violate the conditions of its WPDES permit. Specific limits for the concentration of metals discharged in wastewater from industries shall not exceed the following:

Cadmium	0.07 mg/L
Chromium	1.71 mg/L
Copper	2.07 mg/L
Cyanide	0.65 mg/L
Lead	0.43 mg/L
Nickel	2.38 mg/L
Zinc	1.48 mg/L

The limits are consistent with the categorical standards for metal finishing.

(k) Any radioactive wastes greater than allowable releases as specified by the current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.

(l) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either free or emulsified oil and grease or combinations of both.

(m) Any cyanide or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of ½ (0.5) mg/l by weight as cyanide in the wastes.

(n) Any fluid discharged during the maintenance or repair of vehicles, other engine driven equipment, or any mechanically driven equipment. This includes, but is not limited to antifreeze, gasoline, oil, and greases.

(o) Wastes or wastewater which:

1. Cause unusual concentrations of solids or composition as, for example, in total suspended solids of inert nature, such as Fuller's Earth and/or in total dissolved solids, such as sodium chloride or sodium sulfate.
2. Has a total BOD, suspended solids or phosphorus loading in excess of the wastewater discharge permit described in §12.13.
3. Is discharged without application for a wastewater discharge permit or contractual agreement as required under §12.13.
4. Cause damage to the collection system or impair the treatment process.

(p) Any pollutants which create a fire or explosion hazard in the WTP or sewerage system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in NR661.21, Wis. Admin. Code.

(q) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(r) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(s) Any substance, which may cause the Village effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(t) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(u) Any wastewater, which causes a hazard to human life or creates a public nuisance.

(3) SLUGS. No person shall allow the discharge of slugs of water or wastes to the collection system, which may be harmful to the operation of the sewerage system. Where in the opinion of the Utility Superintendent slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his or her own expense a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24-hour period.

(4) WASTES CAUSING VIOLATION OF WPDES PERMIT. No person shall discharge any waste or wastewater, which would cause the Wastewater Treatment Plant to be in violation of any of the requirements of the WPDES permit.

(5) WASTEWATER EXCEEDING AVAILABLE CAPACITY. No person shall connect to and discharge to the collection system, unless there is capacity available in all downstream components of the sewerage system as determined by the Village Engineer.

(6) LIMITATIONS ON WASTEWATER STRENGTH.

(a) National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.

(b) State requirements and limitations on discharges to the Wastewater Treatment Plant shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable Ordinance.

(c) The Authority reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the Wastewater Treatment Plant where deemed necessary to comply with the objectives set forth in this Ordinance.

(d) No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.

**12.10 ACCIDENTAL DISCHARGES.** Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review, and shall be approved by the Village before constructing of the facility. Any person who accidentally discharges wastes or wastewater prohibited under §12.09 to the sanitary sewer shall immediately report such discharge to the Utility

Superintendent. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions taken. Any Discharger who discharges prohibited materials shall be liable for any expense, loss or damage to the Village wastewater facilities, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal Law. Signs shall be permanently posted in conspicuous places on Discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. The Village Engineer shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

**12.11 SAND AND GREASE TRAP INSTALLATIONS.** Sand and grease traps shall be provided at restaurants, repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. Individual exemptions from this requirement may be granted upon review by the Utility Superintendent, to "Category 1" restaurants as defined by the Washington County Health Department under their Restaurant Licensing Program. All sand and grease traps shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. The Village reserves the right to inspect all sand and grease traps to ensure proper maintenance and effective operation. All sand and grease traps shall be maintained by the owner at his or her expense in continuous, efficient operation at all times. Maintenance reports shall be submitted to the Utility Superintendent annually, by January 31, detailing all maintenance performed during the previous year. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Village.

#### **12.12 HAULED WASTE DISPOSAL.**

(1) **WASTE HAULERS.** All waste haulers shall be licensed disposers in accordance with §281.48, Wis. Stats.

(2) **HAULED WASTE DISCHARGE PERMIT.** All waste haulers wishing to discharge to the Village Wastewater Treatment Plant shall possess a waste haulers discharge permit prior to disposing of any wastes at the WTP. Every licensed disposer wishing to discharge hauled waste shall file a nonrefundable filing fee and an application in writing to the Village Engineer in such a form as is prescribed for that purpose. Forms for such application will be furnished by the Village Engineer. The Village Engineer will evaluate the applications and make a determination as to the amount and conditions of hauled waste disposal at the WTP. Every sewage disposer shall file a certificate of insurance with the Village prior to the Village issuing a discharge permit. The insurable amount shall be equal to \$300,000 for general liability, \$300,000 for automobile liability and the statutory limit for workers compensation.

(3) TRUCK REGISTRATION. Each truck of a permitted waste hauler discharging to the WTP shall be registered with the Village. Registered trucks will be shown how to properly log in by Utility personnel and given a log-in procedure sheet for future reference. Any truck that does not follow the procedure will not be allowed to discharge until properly registered.

(4) RESTRICTIONS ON DISPOSAL. Each hauled waste disposal permit shall be issued subject to the conditions that if at any time the WTP has operational problems, maintenance problems or threat of a WPDES permit violation that are indirectly or directly related to hauled waste disposal, the Village may immediately restrict hauled waste disposal until such time as corrective action or mitigative measures have been taken. Restriction may include prohibition of disposal of hauled waste.

(5) APPROVED HAULED WASTE ONLY. The WTP will accept only hauled waste from domestic origin and permitted industrial or commercial hauled waste. Waste haulers must characterize the waste they haul to the WTP. Hauled industrial and/or commercial waste will not be accepted, unless the industry or commercial establishment has received a wastewater discharge permit as specified in this section or has received permission from the Village. Any new industrial or commercial hauled waste must be reported to the Village by the waste hauler.

(6) DESIGNATED RECEIVING STATION. The designated hauled waste receiving station is located at the WTP. All hauled waste shall be discharged at the WTP, unless approval is obtained from the Village Engineer and WTP Utility Superintendent for discharge of hauled waste to other locations in the sewer system.

(7) HOURS OF OPERATION. Specific hours of discharge and conditions shall be set by the WTP Utility Superintendent. No special exceptions to the hauled waste station hours of operation will be allowed.

(8) DOCUMENTATION. Waste haulers are required to submit records of the discharge to the hauled waste receiving station to the Department of Natural Resources. These records shall be made available for inspection by the Village upon request.

(9) SPILLS. Waste haulers shall clean up all spills or deposits resulting from their activity at the WTP. Additional expenses shall be charged to the waste hauler for cleanup of any spills, deposits or damage occurring as the result of the disposer's activity at the WTP.

(10) RANDOM SAMPLING. At its discretion, the Village shall conduct testing of random samples of hauled waste. If the hauled waste that is tested is of a higher waste strength than that which was reported by the waste hauler, the Village may charge the waste hauler retroactively for the difference between the previous six month's volume of waste at the waste strength of the tested sample and the amount that was actually charged to the waste hauler based on reported waste strengths.

(11) HAULED WASTE CHARGES. Charges for disposal of hauled waste will be established from time to time by the Village Board and approved by resolution of the Village Board in accordance with §12.07 of this chapter.

(12) PERMIT AND REGISTRATION FEES. The waste hauler's discharge permit fee and truck registration fee shall be set from time to time by the Village Board.

(13) PERMIT SUSPENSION OR REVOCATION. Failure to fulfill any of the above requirements by any waste hauler may result in the suspension or revocation of their hauled waste discharge permit.

### **12.13 INDUSTRIAL WASTEWATER DISCHARGE PERMIT SYSTEM.**

(1) WASTEWATER DISCHARGE PERMIT. A wastewater discharge permit may be required under this section if a person's discharge into the Village's sewerage system has any of the following:

- (a) A BOD concentration greater than 200 mg/l.
- (b) A suspended solids concentration greater than 200 mg/l.
- (c) A phosphorus concentration greater than 6 mg/l.
- (d) A volume of 25,000 gallons per day or greater discharged by any user at one or more points of discharge.
- (e) Any of the characteristics listed under §12.09.
- (f) Could cause the Wastewater Treatment Plant to exceed its total design loading for volume, BOD, suspended solids or any other pollutant.

(2) APPLICATION PROCEDURE. Any such persons planning to discharge, changing the characteristics of their discharge or whose discharge permit has expired shall make application to the Village 60 days prior to the discharge. All persons currently discharging shall make application to the Village within 50 days after passage of this subchapter. A discharge permit will be required for each separate point of discharge into the Village's sewer system. No person shall discharge waste or wastewater into the Village sewer system without a wastewater discharge permit, if required by this section.

(3) VILLAGE ACCEPTANCE OF WASTE. If any wastewater is discharged, or proposed to be discharged, to the public sewerage system contain substances, which in the judgment of the Village Board or designated official may be detrimental to the sewerage system, the Village Board or designated official may:

- (a) Reject the wastes.
- (b) Require pretreatment as an acceptable condition for discharge to the sewerage system.
- (c) Require a control over the quantities and rates of discharge.
- (d) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges.

(4) PERMIT APPLICATION. Users seeking a wastewater discharge permit shall complete and file with the Village an application on the form prescribed by the Village. In support of this application, the user shall submit the following information:

- (a) Name, address and standard industrial classification number of applicant.
- (b) Average daily volume of wastewater to be discharged.
- (c) Wastewater constituents and characteristics as determined by a method approved by the Village Engineer.
- (d) Time and duration of discharge.
- (e) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises, including all materials and types of materials that are or could be discharged.
- (h) Each product produced by type, amount and rate of production.
- (i) Number and type of employees and hours of work.
- (j) Any other information as may be deemed by the Village to be necessary to evaluate the permit application.

(5) PERMIT CONDITIONS. Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other regulations, user charges and fees established by the Village Board. The conditions of wastewater discharge permits shall be uniformly enforced by the Village in accordance with this subchapter and applicable State and federal regulations. Permit conditions will include the following:

(a) The monthly wastewater discharge permit fee, fixed charge, user charge and schedule for surcharge fees for the wastewater to be discharged to the sewer system.

(b) The average and maximum wastewater constituents and characteristics.

(c) Limits on rate and time of discharge or requirements for flow regulations and equalization.

(d) Requirements for installation of sampling and metering manholes or discharging monitoring stations.

(e) Pretreatment requirements.

(f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Utility Superintendent and affording the Village access thereto.

(g) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.

(h) Other conditions as deemed appropriate by the Village to insure compliance with this subchapter.

(6) **PRETREATMENT FACILITIES.** If the Village requires pretreatment facilities as a condition for discharge to the sewerage system, then the following conditions apply:

(a) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.

(b) Plans, specifications and other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Utility Superintendent and Village prior to the start of construction.

(c) In accordance with Ch. NR 114, Wis. Adm. Code, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the State DNR.

(7) **INDUSTRIAL WASTE ANALYSIS, MEASUREMENT AND SAMPLING.**

(a) All persons discharging industrial wastes into the sewer system shall construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all wastes or wastewater. These manholes shall be located and constructed in a manner

approved by the Village Engineer. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review by the Village prior to construction if the effluent from such facilities is to be discharged in the public sewers.

(b) The Village or its designee will monitor flow, collect samples and perform laboratory tests on industrial waste discharges as necessary to verify quantity of flow and/or character and concentration of an industrial waste. The Village test results shall be used to determine the applicable surcharge.

(c) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24-hour composite sample. Samples shall be taken at intervals to be established by contractual agreement under §12.13(8) or at intervals as determined by the Utility Superintendent or the Village Engineer. All costs for such sampling shall be charged directly to the owner of the premises from which the sampled discharge is generated. The sampling may be done by Village personnel or their designee or may be requested to be done by the facility owner. If the owner is requested to perform the sampling, the selected method, contractor, or laboratory must be pre-approved by the Village.

(d) When NR 101 or NR 202, Wis. Adm. Code, requires the submittal of the character and concentration of wastes, waste volume and production information to the district or State DNR, the user shall have the waste character and concentration determined by a DNR certified testing laboratory. A copy of the test results and DNR reports shall be submitted to the Village Engineer.

(e) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with 40 CFR 136 methods approved by the Utility Superintendent and shall comply with State and federal law.

(8) CONTRACTUAL AGREEMENT. All persons required to make application for a wastewater discharge permit shall, before issuance of the permit, enter into a contractual agreement with the Village. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the Village.

(9) DURATION OF PERMITS. A permit shall be issued for one year and shall be automatically renewed on a year-to-year basis thereafter, unless the person is notified by the Village 60 days prior to the expiration of the permit or any renewal thereof or unless the discharger has signed a discharge monitoring agreement with the Village which specifies a different duration period. After such notification by the Village, the permit shall expire on the end of that year. The terms and conditions of the permit shall be subject to modification and change by the Village during the life of the permit, if so required because of any ordinances, statutes or rules and regulations of the approving authority of any applicable State or federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any

changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(10) **TRANSFER OF A PERMIT.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

(11) **REVOCAION OF PERMIT.** Any user who violates any of the conditions of his or her permit contractual agreement or this subchapter or of applicable State and federal regulations is subject to having his or her permit revoked.

(12) **DISCHARGE MONITORING AGREEMENT.** The Village may require an industry or any high volume or high strength waste discharger to enter into a discharge monitoring agreement if in the judgment of the Village such an agreement is necessary to properly evaluate the users discharge to the sewerage system and/or to obtain adequate information to properly assess a surcharge. In the absence of a discharge monitoring agreement, the Village may assign a surcharge to a user, which in the Village's judgment is appropriate of the user's discharge. The Village may assess a surcharge to a user even though the Village does not require the user to enter into a discharge monitoring agreement. A sample of a discharge monitoring agreement is on file with the Village.

**12.14 ADMISSION TO PROPERTY.** The Village, its agents and employees shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing in accordance with provisions of this subchapter, pursuant to §66.0119 or 66.0417, Wis. Stats.

**12.15 CONFIDENTIALITY OF CRITICAL INFORMATION.** When requested by a user who is furnishing a report or permit application or questionnaire, the portions of such document which might disclose trade secrets or secret processes shall not be made available for use by the Village or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

#### **12.16 VIOLATIONS AND PENALTIES.**

(1) **DAMAGES.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(2) **PERMIT REVOCATION.** Any licensed waste hauler or permitted industrial discharger found to be violating a provision of this ordinance or any conditions of the discharge permit, may have their approval immediately revoked. This revocation shall be done in writing and shall state the reasons for the revocation.

(3) ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both which will be established by the Village.

(4) LIABILITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the Village for any expense, loss, or damage occasioned by reason of such violation which the Village may suffer as a result thereof.

(5) DAMAGE RECOVERY. The Village shall have the right of recovery from all persons, any expense incurred by the sewerage system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

(6) PENALTIES. In addition to, and not to the exclusion or prejudice of, any such other penalties and remedies that may apply, any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Village or who shall connect a service pipe or discharge without first having obtained a permit therefore; 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 forfeit not less than \$50.00 nor more than \$1,000.00 and the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense. This, however shall not bar the Village from enforcing the connection duties set out in §12.06 for mandatory connection.

(7) APPEAL PROCEDURES. Any user, affected by any decision, action or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the Village Clerk's office a written request for reconsideration within fifteen (15) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. Such appeal shall state the user's name, address, telephone number, address, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the user of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Village Board may change such decision, action or determination upon just and reasonable cause shown.

## **12.17 VALIDITY.**

(1) REPEAL OF CONFLICTING ORDINANCES. All Ordinances, Resolutions, Orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance are hereby repealed.

(2) SAVINGS CLAUSE. If any provision of this Ordinance is found invalid or

unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.