

Chapter 473

Water and Sewers

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

Article I Water System

[Adopted by Ord. No. 185, 1979 (Ch. 29, Art. II, of the 2008 Code)]

§ 473-1 Charges and permit to connect to distribution mains.

The Village Board will, upon written application accompanied by such installation charge as may hereafter from time to time be determined by proper ordinance or ordinances by the Village Board, connect, install and furnish all material and labor for the laying of a service pipe from the distribution mains in the street to and including the curb cock and stop box. All service pipes will be laid at right angles to curblines so that location may be readily determined in case of repairs. All connections for water service from the water mains to the meters will be of either copper or HDPE pipe with tracer wire specified by the Village, and no connection will be of less than one inch I.D. pipe, and all connections will have a valve between the curb stop and the meter.

§ 473-2 Water meters and rates.

- A. **Meters.** All water will be metered, and all water will be furnished by the Village to the property holder. All water service pipes will be brought to the surface of the ground at a point where they enter the basement or cellar to facilitate and make readily possible the installation of a water meter. All water meters will be furnished by the Village and will be installed not less than 36 inches above basement floor and will remain the property of the Village and will be installed by the plumber.
- B. **Rates.** The rates for the use of water in all residences and in all buildings in the Village will be such and will be collected in such installments and at such times as the Village Board may determine and as allowable by the Public Service Commission of Wisconsin.
- C. **Defective meter.** In case any meter fails to register for any cause, the amount charged during such period will be as established by state public service commission regulations.

§ 473-3 Rental charge.

[Amended by Ord. No. 195, 1982]

The water utility will charge for each meter a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. The rental charge will be billed at the time the sewer service charge is billed.

§ 473-4 Additional meters.

[Amended by Ord. No. 195, 1982]

If a person feels that a significant amount of metered water does not reach the sanitary sewer, he can, at his own expense, with approval of the approving authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers will not be subject to sewer service charges. Requests to install additional meters must be made in writing to the approving authority.

§ 473-5 Replacement of old service pipes.

When an old service pipe is to be replaced by another service, the new service will, when possible, be laid in proximity to the old, and if not used in connection with the new service, the old corporation cock will be uncovered and turned off at the main by the plumber and a report of the turning off made to the Village. No division of any water service will be made at the curblin for the supply of two or more buildings.

§ 473-6 Tampering with hydrants.

No person, except the Fire Chief, officers of the fire department and authorized Public Works personnel will open or in any manner tamper with any public or private hydrant, plug, hose or any other attachment.

§ 473-7 Injury to or obstruction of hydrants or waterworks.

Any person who willfully defaces, marks or in any way injures or meddles with fire hydrants, valves or other parts of the waterworks of the Village, or attempts to work them without authority, or who will hitch any animal to a hydrant, park an automobile or place any obstruction in front or within a distance of 15 feet to the hydrant, will be subject to the penalty prescribed in this article.

§ 473-8 Duty to report violations.

It will be the duty of the Director of Public Works to inquire into cases of violation of this article and to report the same to the Police Chief and Village Board for investigation and prosecution.

§ 473-9 Violations and penalties.

Any master or journeyman plumber or property owner or other person who will willfully violate any of the provisions of this article, or will install or allow to be installed any plumbing, water supply or drainage in the Village contrary to any of the provisions of this article will be subject to a penalty as provided in § 1-4.

Article II Sewer System

[Adopted by Ord. No. 185, 1979; amended in its entirety by Ord. No. 195, 1982 (Ch. 29, Art. III, of the 2008 Code)]

§ 473-10 Definitions.

[Amended 5-7-1990]

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

APPROVING AUTHORITY

The Department of Public Works or authorized representatives.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter (mg/l). Quantitative determination of BOD will be made in accordance with procedures set forth in Standard Methods.

BUILDING DRAIN

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

BUILDING SEWER

A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

CATEGORY A

Those sanitary sewer users who discharge normal domestic strength wastewater with a BOD concentration no greater than 190 mg/l and a suspended solids concentration no greater than 270 mg/l.

CATEGORY B

Those sanitary sewer users who discharge wastewater with a BOD concentration in excess of 190 mg/l and a suspended concentration in excess of 270 mg/l.

COMBINED SEWER

A sewer intended to receive both wastewater and stormwater or surface water.

COMPATIBLE POLLUTANTS

BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the municipality's WPDES permit for its wastewater treatment facility, provided that such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

EASEMENT

An acquired legal right for the specified use of land owned by others.

FLOATABLE OIL

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

GREASE TRAP

A **grease trap** (also known as **grease interceptor**, **grease** recovery device, **grease** capsule and **grease** converter) is a plumbing device (a type of **trap**) designed to intercept most greases and solids before they enter a wastewater disposal system.

GROUND GARBAGE

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

INCOMPATIBLE POLLUTANTS

Wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater collection and treatment facilities.

INDUSTRIAL WASTE

Any solid, liquid, or gaseous substance discharged or escaping from any industrial, manufacturing, or commercial establishment. Such term includes any wastewater which is not sanitary sewage.

MUNICIPALITY

The Village of Campbellsport.

NATURAL OUTLET

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

NORMAL DOMESTIC STRENGTH WASTEWATER

Wastewater with a BOD concentration no greater than 190 mg/l and a suspended solids concentration no greater than 270 mg/l.

OPERATION AND MAINTENANCE COSTS

Includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time, by the municipality.

PERSON

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

pH

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

PUBLIC SEWER

Any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

REPLACEMENT COSTS

Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

SANITARY SEWAGE

A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

SANITARY SEWER

A sewer that carries sewage or wastewater.

SEWAGE

The spent water of a person or community. The preferred term is "wastewater."

SEWER

A pipe or conduit that carries wastewater or drainage water.

SEWER SERVICE CHARGE

A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, depreciation, return-on-investment, and other expenses or obligations of the facilities.

MAY

The term "will" is mandatory; the term "may" is permissive.

SLUG

Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation, and/or adversely affects the wastewater collection system and/or performance of the wastewater treatment facility.

STANDARD METHODS

The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

STORM SEWER OR DRAIN

A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

UNPOLLUTED WATER

Refers to water of a quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

WASTEWATER

The spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water, and stormwater that may be present.

WASTEWATER COLLECTION FACILITIES or WASTEWATER COLLECTION SYSTEM

The structures and equipment required to collect and carry wastewater.

WASTEWATER TREATMENT FACILITY

An arrangement of devices and structures for treating wastewater and sludge. Also referred to as "wastewater treatment plant."

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT

Refers to a document issued by the state department of natural resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES permit no. WI-0020818 and modifications thereof pertain to the municipal wastewater treatment facility.

§ 473-11 Conflict with federal rules and regulations.

The sewer service charge system will take precedence over any terms or conditions of preexisting agreements or contracts between the municipality and any person which are inconsistent with section 204(b)(1)(A) and 40 CFR subpart E of the Clean Water Act.

§ 473-12 Sanitary sewer lateral repair responsibilities.

[Amended by Ord. No. 271-A, 2003; Ord. No. 274, 2003]

The owner of any property receiving sewer service through any lateral connections will be responsible for all costs associated with the cleaning and maintaining the sewer lateral within the public right-of-way and throughout the premises served. The property owner will also be responsible for all costs associated with repair or replacement of the sewer lateral outside of the main sewer. The property owner may apply to the Village for reimbursement for the costs associated with the repair or replacement of the sanitary sewer lateral for those portions of the lateral that lie within the public right-of-way. All applications must be

approved by the Village Board, and the amount of reimbursement will be limited by sewer lateral replacement fund policies as adopted by the Village Board.

§ 473-13 Sewer construction and connections.

- A. Permit required. No unauthorized person will uncover, make any connections with or opening into, use, alter or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the approving authority.
- B. Conformance to plumbing codes. The connection of the building sewer into the sanitary sewer will conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the municipality or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections will be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

§ 473-14 New connections.

New connections to the municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

§ 473-15 Cost of sewer connection.

All costs and expenses incident to the installation and connection of the building sewer will be borne by the person making the connection.

§ 473-16 Materials and methods of construction.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench will conform to the requirements of the municipality's building and plumbing codes or other applicable rules and regulations of the municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 will apply.

§ 473-17 Building sewer grade.

Whenever possible, the building sewer will be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain will be lifted by an approved means and discharged to the building sewer.

§ 473-18 Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all the requirements for this chapter.

§ 473-19 Stormwater and groundwater drains.

- A. No persons will make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.
- B. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the approving authority.

§ 473-20 Inspection of connection.

The person making a connection to a public sewer will notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection will be inspected and approved by the approving authority.

§ 473-21 Barricades and restoration.

All excavations for the building sewer installation will be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work will be restored in a manner satisfactory to the approving authority.

§ 473-22 Use of public sewers.

- A. Sanitary sewers. No person will discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.
- B. Storm sewers. Stormwater and all other unpolluted water will be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the approving authority and other regulatory agencies, to a storm sewer or natural outlet.

§ 473-23 Prohibitions and limitations.

Except as hereinafter provided, no person will discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility;
- C. Any waters or wastes having a pH lower than 5.0, or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities;
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, diapers, wipes, fabric, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
- E. The following described substances, materials, waters, or waste will be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The approving authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The approving authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers will not exceed the following limitations:
 - (1) Wastewater having a temperature higher than 150° F. (65° C.);
 - (2) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin;
 - (3) Wastewater from industrial plants containing floatable oils, fat or grease;
 - (4) Any ungrounded garbage. Garbage grinders may be connected to sanitary sewers from homes,

hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;

- (5) Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state, and local authorities;
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the approving authority or limits established by any federal or state statute, rule, or regulation;
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations;
- (8) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (9) Any waters or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes;
- (10) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility;
 - (b) Unusual volume of flow or concentration of wastes constituting slugs as defined herein;
 - (c) Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues; or of dissolved solids, such as, but not limited to, sodium sulfate;
 - (d) Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions; and
- (11) Incompatible pollutants in excess of the allowed limits as determined by village, state and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

§ 473-24 Wisconsin Pollution Discharge Elimination System (WPDES) permit.

No person will cause or permit a discharge into the sanitary sewers that would cause a violation of the municipality's WPDES permit issued by the Wisconsin Department of Natural Resources and any modifications thereof.

§ 473-25 Special arrangements.

No statement contained in this article will be construed as prohibiting any special agreement between the approving authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the municipality without recompense by the person; and further provided that all rates and provisions set forth in this article are recognized and adhered to.

§ 473-26 Control of industrial wastes.

A. Required report. The approving authority may require each person who discharges or seeks to

discharge industrial wastes to a public sewer to prepare and file with the approving authority, at such times as it determines, a report that will include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the approving authority may require that this report be prepared prior to making the connection to the public sewers.

B. Industrial discharges. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in §§ 473-22 through 473-25 of this article and which in the judgment of the approving authority have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the approving authority may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.

§ 473-27 Control manholes.

- A. Each person discharging industrial wastes into a public sewer will, at the discretion of the approving authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of wastes, including sanitary sewage.
- B. Control manholes or access facilities will be located and built in a manner acceptable to the approving authority. If measuring and/or sampling devices are to be permanently installed, they will be of a type acceptable to the approving authority.
- C. Control manholes, access facilities, and related equipment will be installed by the person discharging the waste, at the person's expense, and will be maintained by the person so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment will be approved by the approving authority prior to the beginning of construction.

§ 473-28 Measuring and metering of waste volume.

- A. Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste will be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the approving authority.
- B. The volume of flow used for computing sewer service charges will be the metered water consumption of the person as shown in the records of meter readings maintained by the water department or utility except as noted in Subsection A of this section.

§ 473-29 Waste sampling.

- A. Industrial wastes discharged into the public sewers will be subject to periodic inspection and a determination of character and concentration of the wastes. The determination will be made by the industry as often as may be deemed necessary by the approving authority.
- B. Samples will be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.

- C. Installation, operation, and maintenance of the sampling facilities will be the responsibility of the person discharging the waste and will be subject to the approval of the approving authority. Access to sampling locations will be granted to the approving authority or its duly authorized representative at all times. Every care will be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

§ 473-30 Pretreatment.

- A. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the approving authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.
- B. In that event, such person will provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

§ 473-31 Grease, oil, and sand interceptors.

Grease, oil, and sand interceptors are necessary when, in the opinion of the approving authority, they are needed for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this article, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All interceptors will be of a type and capacity approved by the approving authority, and will be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner will be responsible for the proper removal and disposal by appropriate means of the captured material and will maintain records of the dates and means of disposal which are subject to review by the approving authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources' rules and regulations.

§ 473-32 Measurements, tests and analyses.

- A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article will be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, duration, and frequencies are to be determined on an individual basis subject to approval by the approving authority.
- B. Determination of the character and concentration of the industrial wastes will be made by the person discharging them, or the person's agent, as designated and required by the approving authority. The approving authority may also make its own analyses on the wastes, and these determinations will be binding as a basis for sewer service charges.
- C. However, when the municipality has an agreement with an industry, the municipality will determine the character and concentration of the wastes according to the terms and conditions of the agreement.

§ 473-33 Submission of information.

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities will be submitted for review and approval of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities will commence until the approval has been granted.

§ 473-34 Sewer service charges.

- A. Basis. There is levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater collection system and being served with water solely by the water utility a sewer service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.
- B. Unit costs. The unit costs for the sewer service charge are on file in the Village Clerk-Treasurer's

office.

§ 473-35 Reassignment of sewer users.

The approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

§ 473-36 Operation, maintenance, and replacement fund accounts.

- A. All sewer service charge revenues collected for replacement costs will be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Article II of this chapter. All sewer service charge revenues collected for other operation and maintenance expenses will also be deposited in a separate and distinct fund.
- B. All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

**§ 473-37 Charges for disposal of septic tank sludge and holding tank sewage.
[Amended 5-7-1990]**

- A. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage will transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the approving authority. Written application for this permit will be made to the approving authority and will state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit. Permits will be nontransferable except in the case of replacement of the disposal unit for which a permit will have been originally issued. The permit may be obtained upon payment of a fee of \$50 per calendar year which is on file in the Village Clerk- Treasurer's office. The time and place of disposal will be designated by the approving authority. The approving authority may impose such conditions as it deems necessary on any permit granted.
- B. Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$300,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of the person's employees. The person will furnish a certificate certifying such insurance to be in full force and effect.
- C. All materials disposed of into the treatment system will be of domestic origin, or compatible pollutants only, and the person agrees that he will comply with the provisions of any and all applicable ordinances of the municipality and will not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand, or other solid material to pass into any part of the wastewater collection and treatment facilities.
- D. Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater collection and treatment facilities will be charged an amount which is on file in the Village ClerkTreasurer's office. Permits for disposing septic or holding tank sludge will not be issued until a proper application has been submitted and a fee which is on file in the Village Clerk-Treasurer's office is paid.
- E. The person disposing waste agrees to indemnify and hold harmless the municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.
- F. Delinquent payments. A penalty of 1 1/2% per month will be added to all bills not paid by the date fixed for final payment.

§ 473-38 Charge for toxic pollutants.

Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the municipality's wastewater treatment facility will pay for such increased costs, as may be determined by the Village Board.

§ 473-39 Billing and payment.

- A. Calculation of sewer service charges. Sewer service charges will be computed according to the rates and formula presented in this subsection.
- B. Frequency of billing; when payment due. Sewer service charges will be billed by the municipality to the sewer users on a quarterly basis. Those persons billed will pay such charges by the date fixed for final payment.
- C. Delinquent payments. A penalty of 1 1/2% per month will be added to all bills not paid by the date fixed for final payment.

§ 473-40 Remedies for nonpayment.

- A. Suit. Sewer service charges or other charges due from any person or user will be deemed to be a debt due to the municipality from that person or user. If sewer service charges or other charges are not paid when due, the municipality may commence an action in a court of competent jurisdiction and recover from such person or user the amount of charges or fees, and damages, if any, sustained by the municipality as a result of such failure to pay, together with such costs and expenses as may be allowed by law.
- B. Lien on property. As an alternative to the above, the municipality may direct that unpaid sewer service charges or other charges due from any person or user, will be collected and taxed and will be a lien upon the property served in the manner provided for in Wis. Stats. § 66.0821, as amended from time to time.

§ 473-41 Obligation for payment.

While the obligation for payment of the bills in case the user is a nonproperty owner will be that of the user, in the event the bill is not paid, the property owner will be liable for the bill and the unpaid bill will remain a lien against the property serviced until paid in accordance with this article. To the end that there may be attempts at avoidance of payment of these bills by the tenants, and to overcome the same, the municipality may send the bill for a user who is a tenant, in care of the property owner, who will thereupon determine the method in which the payment will be ensured.

§ 473-42 Administration and enforcement.

- A. Arbitration of differences of opinion. The Village Board and/or Public Works Committee will arbitrate differences between the approving authority and sewer users on matters concerning interpretation and execution of the provisions of this article by the approving authority.
- B. Biennial audit. The municipality will review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system. Based on this review, the municipality will revise the sewer service charge system, if necessary, to accomplish the following:
 - (1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;
 - (2) Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities; and
 - (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses

attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.

§ 473-43 Records.

The municipality will maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, subpart E of the Clean Water Act.

§ 473-44 Right of entry.

- A. Generally. The approving authority or other duly authorized employees of the municipality, bearing proper credentials and identification, will be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this article.
- B. Easements. The approving authority or other duly authorized employees of the municipality, bearing proper credentials and identification, will be permitted to enter all private properties through which the municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.
- C. Safety rules. While performing the necessary work on private premises referred to in § 473-44A, the duly authorized municipal employees will observe all safety rules applicable to the premises established by the person.

§ 473-45 Violations and penalties.

- A. Nuisance — notice. Any person found to be violating any provision of this article will be declared a public nuisance and will be served by the municipality with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender will, within the period of time stated in such notice, permanently cease all violations.
- B. Abatement without notice. If the approving authority determines that a public nuisance exists within the municipality and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- C. Accidental discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water will, in addition to a fine, pay an amount to cover any damages, both values to be established by the Village Board.

D. Violations and penalties.

Any person violating this chapter will be subject to a penalty as provided in § 1-4 or elsewhere within this chapter. Each day in which any violation is continued beyond the aforesaid notice time limit will be deemed a separate offense.

§ 473-46 Liability.

Any person violating any provisions of this article will become liable to the municipality for any expense, loss, or damage occasioned by reason of such violation which the municipality may suffer as a result thereof.

**Article III
Cross-Connections**

[Adopted 3-28-2016 (Ch. 29, Art. IV, of the 2008 Code)]

§ 473-47 Definition of cross-connection.

A "cross-connection" is defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village public water system and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

§ 473-48 Unprotected cross-connections prohibited.

No person, firm, or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross-connection. Cross-connections will be protected as required in ch. SPS 382, Wisconsin Administrative Code.

§ 473-49 Inspection.

The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross-connections. [OPTIONAL: As an alternative, the water utility may require a person, firm, or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross-connection Inspector/Surveyor.] The frequency of inspections will be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross-connections identified by the inspection will be promptly corrected. Failure to promptly correct an unprotected cross-connection will be sufficient cause for the water utility to discontinue water service to the property, as provided under § 473-52 of this article.

§ 473-50 Right of entry.

Upon presentation of credentials, a representative of the water utility will have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross-connections. Refusing entry to such utility representative will be sufficient cause for the water utility to discontinue water service to the property, as provided under § 473-52 of this article. If entry is refused, a special inspection warrant under Wis. Stats. § 66.0119, may be obtained.

§ 473-51 Provision of requested information.

The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information will be sufficient cause for the water utility to discontinue water service to the property, as provided under § 473-52 of this article.

§ 473-52 Discontinuation of water for violation.

The water utility may discontinue water service to any property wherein any unprotected connection in violation of this article exists and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued; however, only after reasonable notice and opportunity for hearing under Wis. Stats. ch. 68, except as provided in § 473-53 of this article. Water service to such property will not be restored until the unprotected cross-connection has been eliminated.

§ 473-53 Emergency discontinuance.

If it is determined by the water utility that an unprotected cross-connection or emergency endangers public health, safety, or welfare, and requires immediate action, and if a written finding to that effect is filed with the Village Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer will have an opportunity for hearing under Wis. Stats. ch. 68, within 10 days of such emergency discontinuance. Water service to such property will not be restored until the unprotected cross-connection has been eliminated.

**Article IV
Abandonment of Wells**

[Adopted by Ord. No. 224, 1992 (Ch. 29, Art. V, of the 2008 Code)]

§ 473-54 Purpose.

The purpose of this article is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, or wells which may serve as conduits for contamination, or wells which may be illegally cross connected to the municipal water system, are properly abandoned.

§ 473-55 Applicability.

This article applies to all wells located on premises served by the Village municipal water system.

§ 473-56 Definitions.

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

MUNICIPAL WATER SYSTEM

A system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents, owned or operated by a city, village, county or town sanitary district, utility district or public institution, or a privately owned water utility serving any of the above.

NONCOMPLYING

A well or pump installation which does not comply with the provisions of Wis. Adm. Code ch. NR 812, in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

PUMP INSTALLATION

The pump and related equipment used for withdrawing water from the well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.

UNSAFE

A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in excess of the standards of Wis. Adm. Code ch. NR 809 or 140, or for which a health advisory has been issued by the department of natural resources.

UNUSED

A well or pump installation which is not in use or does not have a functional pumping system.

WELL

An excavation or opening into the ground made by digging boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

WELL ABANDONMENT

The filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

§ 473-57 Abandonment; required when.

All wells located on premises served by the municipal water system will be abandoned in accordance with the terms of this article and Wis. Adm. Code ch. NR 812, by November 30, 1992, or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Village office.

§ 473-58 Well operation permit; requirements.

A. The Director of Public Works may grant a permit to a private well owner to operate a well for a

period not to exceed five years, providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Director of Public works or representative may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals will be made on forms provided by the Director of Public Works. The Village does not supply the test kit.

B. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Wis. Admin. Code ch. NR 812;
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells, unless the department of natural resources approves, in writing, the continued use of the well;
- (3) There are no cross-connections between the well and pump installation and the municipal water system; and
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

§ 473-59 Abandonment procedures.

- A. All wells abandoned under the jurisdiction of this article or rule will be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations will be removed prior to abandonment.
- B. The owner of the well, or the owner's agent, will notify the Village Clerk/treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well will be observed by Village personnel.
- C. An abandonment report form, supplied by the department of natural resources, available at the Village office, will be submitted by the well owner to the Village Clerk/treasurer and the department of natural resources within 10 days of the completion of the well abandonment.

§ 473-60 Violations and penalties.

Violations and penalties.

Any person violating this chapter will be subject to a penalty as provided in § 1-4 or elsewhere within this chapter. Each day of violation is a separate offense. If any person fails to comply with this article for more than 10 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

**Article V
Wellhead Protection**

[Adopted by Ord. No. 251, 1996; amended in its entirety by 8-4-2008 by Ord. No. 311 (Ch. 29, Art. VI, of the 2008 Code)]

§ 473-61 Purpose and authority.

- A. The residents of the Village of Campbellsport depend exclusively on groundwater for a safe drinking supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the Village's municipal water supply and well fields, and to promote the public health, safety and

general welfare of the residents of the Village.

- B. These regulations are established pursuant to the authority granted by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety, and welfare. Areas appropriate for protection in the WHP are established in the well head protection plan ("the plan") for the Village of Campbellsport, Wisconsin, dated July 1996. The plan document is incorporated here by reference, and a copy is on file in the office of the Village Clerk/treasurer.
- C. Permitting of new wells within municipal boundaries. Wells for residential, commercial and industrial use will not be approved for use. All customers will use the Campbellsport utility's potable water source for all uses.

§ 473-62 Applicability.

The regulations specified in this article will apply only to lands within 1,200 feet or those portions of the well head protection area for Well No. 3 and Well No. 4, of the Campbellsport Water Utility (cones of depression) or within the five-year time of travel (TOT) and to lands within the minimum separation distances from potential sources of contamination described in Wis. Adm. Code § NR 811.12(5)(d) of the Department of Natural Resources regulations, which areas also lie within the Village of Campbellsport corporate limits. (See Figure 2.06-1 of the well head protection plan, July 2008, for a map showing the well head protection area for each well.)

§ 473-63 Definitions.

As used in this article, the following terms will have the meanings indicated:

AQUIFER

A saturated, permeable geologic formation that contains and will yield significant quantities of water.

CONE OF DEPRESSION

The area around a well in which the water level has been lowered at least 1/10 of a foot by pumping of the well. The Wisconsin Geological and Natural History Survey Special Report No. 10, entitled "Wellhead Protection Districts in Wisconsin: An analysis and Test Applications" identified the cone of depression for the neighboring Township of Ashford to be a radius of 1,200 feet. For ease of determination, the cone of depression or groundwater protection overlay district has been established as being 1,200 feet from the Campbellsport wells.

FIVE-YEAR TIME TO TRAVEL (TOT)

The five-year TOT is a portion of the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well. The five-year TOT for the Campbellsport well field is established based on flow path modeling contained in the report entitled "Campbellsport Case Study: Wellhead Protection Programs and Monitoring System Design".

RECHARGE AREA

Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas of features that supply groundwater recharge to a well.

WELL FIELD

A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

§ 473-64 Groundwater flow direction.

The flow of the groundwater within the TOT is from the southwest to the northeast.

§ 473-65 Groundwater protection; cones of depression.

A. Intent. The primary portion of the Campbellsport recharge area to be protected is the land within 1,200 feet of the boundary of the Campbellsport wells, known as the cones of depression, as shown on the attached map. These lands are subject to the most stringent land use and development restrictions because of close proximity to the wells and the corresponding threat of contamination.

B. Permitted uses. The following uses are permitted uses within the groundwater protection area.

- (1) Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities.
- (2) Wildlife areas.
- (3) Nonmotorized trails, such as biking, skiing, nature and fitness trails.
- (4) Sewered residential developments.

C. Prohibited uses. The following uses are prohibited uses within the groundwater protection area. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) will cause groundwater contamination. Uses not listed are not considered permitted uses.

- (1) Septage and/or sludge spreading.
- (2) Gasoline stations.
- (3) Landfills or waste disposal facilities.
- (4) Spray wastewater facilities.
- (5) Bulk fertilizer and/or pesticide facilities.
- (6) Asphalt products manufacturing.
- (7) Salt storage.
- (8) Electroplating facilities.
- (9) Paint and coating manufacturing.
- (10) Hazardous and/or toxic materials storage.
- (11) Hazardous and/or toxic waste facilities.
- (12) Radioactive waste facilities.

§ 473-66 Appeals and exceptions.

A. Appeals to allow prohibited uses within the one-thousand-two-hundred-foot groundwater protection area (GWPA) may be considered by the Village Board, provided that the following conditions are met:

- (1) No prohibited use may be permitted within the minimum separation distance (MSD) allowed between a well and a potential source of contamination as delineated in Wis. Adm. Code ch. NR 811.

- (2) An appeal to construct, install or operate a prohibited use within the one-thousand-two-hundred-foot GWPA but outside of the Ch. NR 811 MSD, will be commenced by filing a written appeal with the Director of Public Works. The appeal will be accompanied by detailed information and plan (one original plus 11 copies) which would explicitly identify the type and size of the prohibited use in question, specify reasons for objecting to the current one-thousand-two-hundred-foot GWPA, and offer additional operational plans and/or features to mitigate potential environmental concerns.
 - (3) The appeal will be scheduled for a public hearing before the plan commission. The plan commission will take evidence and testimony on the matter, including reports from Village staff and consultants, and will make its recommendation to the Village Board.
 - (4) The appellate will pay a \$1,000 deposit at the time of filing of the appeal. The deposit will be utilized to pay a one-time nonrefundable \$450 filing fee and to pay for reasonable attorney and/or outside consultant fees as directed by plan commission.
- B. The Village Board will consider the appeal, review the record made before the plan commission and the recommendation of the plan commission, and decide the appeal based upon the information provided. The Village Board will determine that all appeals have merit and may request additional remedies or impose other restrictions as deemed appropriate by the Village Board. The decision of the Village Board will be final.
- C. Any remaining deposit after payment of the nonrefundable \$450 filing fee and payment of reasonable attorney and/or outside consultant fees will be reimbursed back to the appellate within 90 days of final Village Board action on the matter.

Article VI Water and Wastewater Impact Fees

[Adopted 2-2-2006 by Ord. No. 295 (Ch. 29, Art. VII, of the 2008 Code)]

§ 473-67 Introduction and purpose.

Pursuant to the authority of Wis. Stats. § 66.0617, the local impact fees enabling legislation, the purpose of this article is to establish the mechanism for the imposition of water and wastewater impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities (water and wastewater facilities) which are necessary to accommodate future growth and land development. This section is intended to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public facilities (water and wastewater facilities) within the Village and its service areas, as they are required to serve the needs arising out of land development.

§ 473-68 Definitions.

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

CAPITAL COSTS

The capital costs to construct, expand or improve public facilities (water and wastewater facilities) including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed 10% of capital costs. The term "capital costs" does not include other noncapital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.

DEVELOPER

A person that constructs or creates a land development.

IMPACT FEES

Cash contributions, contributions of land or interest in land or any other items of value that are imposed on a developer under this article.

LAND DEVELOPMENT

The construction or modification of improvements to real property that creates additional residential dwelling units within the Village or its service areas or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village or its service areas.

PUBLIC FACILITIES

Highways, as defined in Wis. Stats. § 340.01(22), and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating stormwaters and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreation facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. The term "public facilities" does not include facilities owned by a school district.

RESIDENTIAL EQUIVALENT USER (REU)

A unit of measure for sewer- or water-related impact fees equivalent to the amount of sewer or water capacity needed to supply one residential dwelling unit. For the purposes of the impact fees established under this article, a REU will be defined as a sewer or water connection with either a five-eighths-inch or three-quarter-inch meter equal to one REU based on standards developed by the state public service commission, which are based on standard flow meter capacities. The REU assessment also utilizes water meter size and a conversion ratio for larger water users.

SERVICE AREA

A geographic area delineated by the Village Board within which the Village provides public facilities.

SERVICE STANDARD

A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the Village.

§ 473-69 Public facilities; needs assessment.

New public facilities or improvements or expansions of existing public facilities that relate to water and wastewater are required because of land development for which impact fees will be imposed are those which are identified in this article and in water and a waste facilities needs assessment report prepared prior to the adoption of this article and any amendments hereto. The water and wastewater facility needs a report that forms the basis of any impact fees imposed by the Village by this article will be kept on file in the office of the Village Clerk-Treasurer at least 35 days prior to any public hearing to be held on the creation of this article and any amendments. A class 1 notice is required prior to any required hearing. The water and wastewater facilities needs assessment report will remain on file in the office of the Village Clerk-Treasurer for the entire period during which impact fees arising out of a specific report and this section are collected prior to expenditure, and such report will, after expenditure of all impact fees, be maintained as a public record for such time period as required by law.

§ 473-70 Revenue administration.

- A. Revenues from water and wastewater impact fees will be placed in one or more segregated, interest-bearing accounts and will be accounted for separately from other Village general and utility funds. Water and wastewater impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- B. Water and wastewater impact fee revenues imposed and collected but not used within a specified

reasonable period of time after collection to pay the capital costs for which they were imposed will be refunded on a prorated proportional basis, as determined by the Village Board, to the current record owner of the property with respect to which the impact fees were imposed. Reasonable time periods for expenditure of water and wastewater impact fee revenues will be within five years after the recommended time for commencement of construction, expansion or improvement of a specific public facility identified in a facilities' needs assessment report, or within five years after the projected loan obligations undertaken for a project should be satisfied.

§ 473-71 Use of fees.

Funds collected from water and wastewater impact fees will be used solely for the purpose of paying the proportionate costs of providing public facilities (water and wastewater) that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities (water and wastewater) projects prior to the collection of all anticipated impact fees for that project.

§ 473-72 Payment.

- A. All required water and wastewater impact fees are hereby imposed on all developments and land divisions within the Village or any development subarea thereof.
- B. For all unplatted lands, no final plat or certified survey map approval will be given unless the water and wastewater impact fees set forth in § 473-74 are imposed and calculated pursuant to this article. Fees may be payable at the time of final plat or certified survey map approval in full or in installments pursuant to a developer's agreement.
- C. For all developments not subject to Subsection **B** of this section, no building permit will be issued for a development unless the water and wastewater impact fees set forth in § 473-74 are imposed and calculated pursuant to this article. Fees will be paid prior to the issuance of building permits.
- D. Annexations.
 - (1) Any property or parcel of land annexed by the Village is subject to the payment of water and wastewater impact fees under the conditions set forth in this section. Properties annexed are benefited by the availability of water and the wastewater distribution system.
 - (2) Any property annexed by the Village which is developed and currently connected to the water and wastewater system is exempt from the water and wastewater fees.
 - (3) Undeveloped property annexed to the Village is subject to the payment of water and wastewater impact fees at the time of development. Time of development is defined as the date of application of any and all applicable building permits.
 - (4) Payment of impact fees for developed property requesting annexation will be paid prior to the final action of the Village Board on the annexation petition.
- E. Undeveloped land; existing building permits; previously developed land.
 - (1) Undeveloped land. Undeveloped land which has existing water and/or wastewater laterals will pay impact fees at the time of issuance of a building permit. This applies to undeveloped land in the Village and to undeveloped land outside the Village which is within the water and wastewater service area.
 - (2) Existing building permits. Lands that have been issued building permits prior to the adoption of this article are exempt from the water and wastewater impact fees set forth herein. However, the exemption will not exceed two years from the date of the issuance of the building permit for the property issued (prior to the adoption of the ordinance from which this article is derived) to the date of connection to the water and wastewater system.

- (3) Previously developed land. Land which has wastewater and/or water laterals due to previous development are exempt from the payment of impact fees only if the laterals have been unused for less than one year as of the date of application for a building permit. In the event the laterals have been unused one year or more, impact fees for water and/or wastewater will be paid prior to the issuance of a building permit. In the event a building permit is not required, the impact fees will be paid prior to the initiation of service.

§ 473-73 Appeals.

- A. The developer or property owner upon whom a water and wastewater impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest the amount, collection or use of an impact fee may be commenced within 35 days of application for a building permit. An appeal to contest the use of an impact fee will be commenced not later than 35 days prior to the award of any public contract for expenditure of the fee revenues.
- B. It will be a condition precedent to the commencement of such an appeal that the water and wastewater impact fee from which the developer or property owner appeals will be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.
- C. The appellant will pay a filing fee which is on file in the Village Clerk-Treasurer's office at the time of filing of the appeal.
- D. An appeal is commenced by filing a written complaint with the Village Clerk/treasurer. The complaint will specify the impact fee amount or collection objected to and the basis for the objection. The appeal will be scheduled for a public hearing before the plan commission at a regular meeting. The plan commission will take evidence and testimony on the matter, including reports from Village staff and consultants, and will make its recommendation to the Village Board based upon the standards set forth in Wis. Stats. § 66.0617.
- E. The Village Board will consider the appeal, review the record made before the plan commission and the recommendation of the plan commission and decide the appeal based upon the standards for impact fees in Wis. Stats. § 66.0617. If the Village Board determines that the appeal has merit, it will determine appropriate remedies. The remedies may include: reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the impact fee in full or in part; whether interest collected by the Village thereon should be returned; granting the appellant the opportunity to make the impact fee payments in installments; or such other remedies as it deems appropriate by the Village Board in a particular case. The decision of the Village Board is final.

§ 473-74 Basis.

- A. The basis for the imposition of water and wastewater impact fees is the facilities needs assessment report and its attachments, "Water and Wastewater Facilities Needs Assessment," which is on file in the office of the Village Clerk/treasurer.
- B. The water and wastewater impact fees are based on a residential equivalent user (REU) basis to determine impact on the water and wastewater systems. A residential unit is assumed to be equivalent to an average residential household with 2.64 people per household as provided in the Comprehensive Plan. The REU assessment utilizes a water meter size and a conversion ratio to determine the fee for other larger water users. The conversion ratio to be utilized is as follows with a standard five-eighths-inch or three-fourths-inch meter equal to one REU based on standards developed by state public service commission, which are based on standard meter flow capacities. The meter size and conversion ratio are as follows:

Meter Size	
(inches)	Conversion Ratio
5/8 and 3/4	1.0
1	2.5
1 1/4	3.75
1 1/2	5
2	8
2 1/2	12.5
3	15
4	25
6	50
8	80

- C. The property owner will be charged a water and wastewater impact fee based on the size of the meter connection as follows:

Meter Size		
(inches)	Water System Impact Fees	Wastewater Impact Fees
5/8 and 3/4	\$900	\$950
1	\$2,250	\$2,375
1 1/4	\$3,375	\$3,562.50
1 1/2	\$4,500	\$4,750
2	\$7,200	\$7,600
2 1/2	\$11,250	\$11,875
3	\$13,500	\$14,250
4	\$22,500	\$23,750
6	\$45,000	\$47,500
8	\$72,000	\$76,000

- D. The Village Board will, from time to time, review and adjust such rates based on inflation or capital costs and other related costs.
- E. The water and wastewater impact fees will be paid prior to the issuance of any building permit.

- F. Low cost housing. As provided by Wis. Stats. § 66.0617(7), the Village Board may, on a case-by-case basis, provide for an exemption from or a reduction in the amount of the water and wastewater impact fees. However, no amount of water and wastewater fees may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the Village.

§ 473-75 **Park facilities.**

Nothing in this section will limit the authority of the Village to impose land dedication requirements contained elsewhere in the Code on developers as part of plat and certified survey map approvals under Wis. Stats. ch. 236 and the ordinances of the Village.

Effective Date. This Ordinance will take effect immediately upon its adoption, approval, and publication. Adopted, recorded and approved this 11 day of November 2019.

David Krebs

David Krebs, Village President

ATTEST: Becky Tellier

Becky Tellier, Village Clerk

Campbellsport News Publication Date _____