

CHAPTER 5

WATER & SEWER SYSTEM

I. PRIVATE WELL ABANDONMENT (10/2012)

Whereas, Chapters NR 810.16, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe, or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to eliminate the source of unsafe water and to prevent such wells from becoming channels for vertical movement of contaminated water and to eliminate all existing cross-connections and prevent all future cross-connections.

Now therefore, the Village Board of Rockland, La Crosse County, Wisconsin, does ordain as follows:

- A. Purpose: To protect public health, safety and welfare to prevent contamination of groundwater by assuring that unused, unsafe, or non-complying wells or well which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.
- B. Applicability: This ordinance applies to all wells on the premises served by the Rockland Water and Sewer Utility. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdiction for purposes stated in letter A above.
- C. Definitions:
 1. "Municipal water system" means a community water system owned by a city, village, county, town, sanitary district, utility district, public inland lake or rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 2. "Non-complying" means a well or pump installation which does not comply with s. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR812.43, Wisconsin Administrative Code.
 3. "Pump Installation" means the pump and related equipment used for withdrawing water from a well, including discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.
 4. "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of chs. NR140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 5. "Unused" well or pump installation means one which is not used or does not have a functional pumping system.
 6. "Well" means a drillable or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed of the purposes of obtaining groundwater.

7. "Well Abandonment" means the proper filling and sealing of a well according to the provisions of s. NR812.26, Wisconsin Administrative Code.

D. Abandonment Required (12/1995)

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section F of this ordinance by June 15, 1996, or not later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the Village of Rockland under terms of Section E of this ordinance.

E. Well Operation Permit

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than June 15, 1996. The Village of Rockland shall grant a permit to a well owner to operate a well for a period not to exceed five years, providing all conditions are met. A well operation permit may be renewed by submitting an application verifying that conditions of this section are met. The Village of Rockland or its agent may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. At no less than ten (10) year intervals, all private wells must be inspected by a licensed pump installer and the report must be submitted to the Village prior to the permit being issued pursuant to Wis. Adm. Code. 810.16. Permit applications and renewals shall be on the forms provided by the Clerk. The Village notes no exemptions from obtaining a permit. The following conditions must be met for issuance or renewal of a well operational permit:

1. The well and pump installation shall meet the Standards for Existing Installations described in s. NR 812.42, Wisconsin Administrative Code.
2. The well and pump shall have a history of producing safe water evidenced by at least two coliform bacteria samples taken a minimum of two weeks apart. In area where Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
3. There shall be no cross connection between the well's pump installation or distribution piping and the municipal water system.
4. The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
5. The private well shall have a functioning pumping system.
6. The proposed use of the private well shall be justified as reasonable in addition to the water provided by the municipal water system.
7. A fee of \$10 is paid to the Village of Rockland for processing a permit.
8. Every ten years, a report must be submitted to the Village by a license pump installer indicating that they have inspected the well.

F. Abandonment Procedures:

1. All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

2. The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours in advance of any well abandonment activities. The abandonment of the well must be observed or verified by personnel of the municipal system.
3. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within 30 days of the completion of the well abandonment.

G. Penalties: (07/2007)

Any well owner violating any provision of this ordinance shall, upon conviction, be punished by forfeiture of not less than \$25.00 nor more than \$100, plus court costs and the and the costs of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed at the expense to be assessed as a special tax against the property.

II. CROSS CONNECTION ORDINANCE (10/2012)

- A. Purpose: To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system.

Whereas, Chapters DNR 810 and ILHR 82, Wisconsin Administrative Code, require protection of the public water system from contaminants due to backflow of contaminants through the water service connection; and

Whereas, the Wisconsin Department of Natural Resources and Department of Industry, Labor and Human Relations require the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of all potable water systems; now therefore,

Be it ordained by the Village Board of Trustees of the Village of Rockland, La Crosse County, State of Wisconsin:

1. That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Village of Rockland water system, and the other, 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, the direction of the flow depending on the pressure differences between the two systems.
2. That no person, firm, or corporation, shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Village of Rockland may enter the supply of distribution system of said municipality , unless such private, auxiliary, or emergency water supply and methods of connection and use of such supply shall have been approve by the Village of Rockland and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.

3. That it shall be the duty of the Village of Rockland to cause inspections to be made of all properties served by the public water system where cross connections with the public water system are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Village of Rockland and as approved by the Wisconsin Department of Natural Resources.
4. That upon presentation of credentials, the representative of the Village of Rockland shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Village of Rockland for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under 2. 66.122, Wisconsin Statutes. On the request of the owner, lessee or occupant of any property so served shall furnish the inspection agency any pertinent information regarding the piping systems on such property.
5. That the Rockland Water & Sewer Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures as deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to such property shall not be restored until the cross connection(s) have been eliminated in compliance with the provisions of this ordinance.
6. That if it is determined by the Rockland Water & Sewer Utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Village of Rockland and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for a hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.
7. That the Village of Rockland adopts by reference the State Plumbing Code of Wisconsin being Chapter ILHR 82, Wisconsin Administrative Code.
8. That this ordinance does not supersede the State Plumbing Code, but is supplementary to them.
9. This ordinance shall take effect and be in force from and after the 11th day of July, 2000. This ordinance was amended to reflect a change in Wis. Adm. Code numbering on October 9, 2012.

III. WELL HEAD PROTECTION ORDINANCE

A. Purpose & Authority:

1. Purpose: The residents of the Village of Rockland depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the Village of Rockland and to promote the public health, safety, and general welfare of the Village's residents
2. Authority: Statutory authority of the Village to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act. 410 (effective May 11, 1984), which specifically added groundwater protection, in Wis. Stats.

Sec. 59.97(1) and Wis. Stats. Sec. 62.23(7)(c), to the statutory authorization for county and municipal planning and zoning to protect the public health, safety, and welfare. In addition, under Wis. Stats. Sec. 61.35 62.23(7)(c), the Village has the authority to enact this ordinance, effective in the incorporated areas of the Village, to encourage the protection of groundwater resources.

B. Application of Regulations:

The regulations specified in this Wellhead Protection Ordinance shall apply to the incorporated areas of Rockland that lie within the recharge areas for municipal water supply wells as defined in Section F, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply.

C. Definitions:

1. Aquifer: A saturated, permeable geologic formation that contains and will yield significant quantities of water.
2. Provisional Use: Land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of a wellhead protection district.
3. Cone of depression: The area around a well, in which the water level has been lowered at least onetenth of a foot by pumping of the well.
4. Design Standards: Regulations that apply to the development of structures and infrastructure within a designated wellhead protection district.
5. Municipal water supply: The municipal water supply of the Village of Rockland.
6. Operating Standards: Regulations that apply to land use activities/business practices within a designated wellhead protection district.
7. Permitted Use: Land use or development that by design or operation is allowed without further technical or regulatory review within defined areas of a wellhead protection district.
8. Person: Person means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.
9. Recharge area: The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
10. Regulated Substances: Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include:
 - a. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."
 - b. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

- c. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight per unit weight basis.
 - d. Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.
 - e. Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one tenth of one (0.1) percent of the mixture on a weight per unit weight basis if carcinogenic, or more than one (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.
 - f. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
11. Well field: A piece of land used primarily for the purpose of locating wells to supply a municipal water system.
 12. Zone of saturation: The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.

D. Groundwater Protection Overlay District:

A Groundwater Protection Overlay District may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

E. Supremacy of this district:

The regulations of an overlay district will apply in addition to all other regulations that occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Groundwater Protection Overlay District are more stringent.

F. Groundwater Protection Overlay Districts Boundaries

The boundaries of the Groundwater Protection Overlay Districts shall be shown on the Rockland Zoning Map. The locations and boundaries of the zoning districts established by this ordinance are set forth on Figure 1, "Village of Rockland – Well Head Protection Area" incorporated herein and hereby made a part of this ordinance. Said figure, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

G. Permitted Use:

1. The following permitted uses are subject to the separation distance requirements (Section H), prohibited uses (Section I), and applicable design and operational standards (Section L):
 - a. Public parks, playgrounds and beaches, provided onsite wastewater shall be discharged to a holding tank or municipal sewer.
 - b. Wildlife and natural and woodland areas.

- c. Biking, hiking, skiing, nature, equestrian and fitness trails.
- d. Municipally seweried residential development.
- e. Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
- f. Single Family residences on a minimum lot of 40,000 square feet with a private onsite sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with COMM 83, Wis. Adm. Code.
- g. Residential use of above ground LP gas tanks for heating, not to exceed 1,000 gallons.
- h. Commercial and industrial establishments that are municipally seweried and whose aggregate use, storage, handling and/or production of Regulated Substances does not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time.
- i. A limited exclusion from the provision of Section G(1)(h) is authorized for non-routine maintenance or repair of property or equipment. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
- j. A limited exclusion from the provisions of Section G(1)(g) is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.
- k. A limited exclusion from the provisions of Section G(1)(g) is authorized for Regulated Substances which are cleaning agents, provided such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. Citrus based, biodegradable cleaners are not considered a regulated substance. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

H. Separation Distance Requirements

1. The following separation distances as specified in NR 811.16, Wis. Adm. Code, shall be maintained:
 - a. Fifty feet between a well and storm sewer main.
 - b. Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American

Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

- c. Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
- d. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm. 10.10, Wis. Adm. Code.
- e. One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Chapter NR 718, Wis. Adm. Code while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
- f. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Chapter NR 140, Wis. Adm. Code enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm. 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

I. **Prohibited Uses:**

- 1. The following uses are prohibited:
 - a. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR Part 370.)
 - b. Cemeteries.
 - c. Chemical manufacturers (Standard Industrial Classification Major Group 28).
 - d. Coal storage.
 - e. Dry cleaners.
 - f. Industrial lagoons and pits.
 - g. Landfills and any other solid waste facility, except postconsumer recycling.
 - h. Manure and animal waste storage except animal waste storage facilities regulated by the County.
 - i. All mining including sand and gravel pits.
 - j. Pesticide and fertilizer dealer, transfer or storage facilities.
 - k. Railroad yards and maintenance stations
 - l. Rendering plants and slaughterhouses.
 - m. Salvage or junk yards.

- n. Salt or salt storage facilities.
- o. Septage or sludge spreading, storage or treatment.
- p. Septage, wastewater, or sewage lagoons.
- q. Private onsite wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- r. Stockyards and feedlots.
- s. Stormwater infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention.
- t. Motor vehicle services, including filling and service stations, repair, renovation and body working.
- u. Wood preserving operations.

J. Classification of Use

1. Classification of a use as being permitted, prohibited, or provisional shall be determined by an application submitted to the Village Clerk. The application shall be in writing and shall describe in detail the use, activities and structures proposed along with the quantities, use of, storage and handling of all regulated substances. A scaled site map showing all building and structure footprints, driveways, loading docks, sidewalks, parking lots, storage yards and any other information deemed necessary for determination. In case of question as to the classification of a proposed use, the application shall be forwarded to the Village Board for determination in accordance with the following procedure:
 - a. Application: The above described application shall be submitted to the Village Clerk. The application will be then forwarded to the Village Board. The Village Board may request additional information as deemed necessary to facilitate a determination.
 - b. Investigation: The Village Board shall make or have made such investigation in order to compare the nature and characteristics of the proposed use with those that are permitted, provisional or prohibited.
 - c. Determination: The Village Board shall determine the use as being permitted, prohibited or provisional. The determination of the Village Board shall be rendered in writing within 60 days from receiving all requested information and shall include findings supporting the conclusion.

K. Provisional Use Permits

1. Any person may request a provisional use permit for certain uses, activities and structures within the Groundwater Protection Overlay District not prohibited in Section I.
2. All requests for a provisional use permit shall be submitted in writing to the Rockland Village Clerk for a review of permit application materials. The request will then, if properly prepared, be forwarded for inclusion on the agenda of the next Village Board meeting. The Provisional Use Permit Application shall include:
 - a. A site plan map set showing all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2foot ground elevation contours. The plan set should also include: building plans (must include floor plans of typical floors and denote all entrances, exits, loading docks, building service areas, etc.), storage areas for Regulated Substances, grading

- plans showing existing and proposed grades and contours, proposed surface water drainage patterns, catch basin and storm sewer locations, connections to existing utilities and a construction site erosion control plan. The site plan set shall be developed in accordance with the Design Standards established for the Groundwater Protection Overlay District as defined in Section L.
- b. An operational plan and/or other documentation which describes in detail the use, activities, and structures proposed. The operational plan shall be developed in accordance with the Operational Standards established for the Groundwater Protection Overlay District as defined in Section L.
 - c. An environmental risk assessment report prepared by a licensed environmental professional which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
 - d. An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring as required
 - e. A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
3. The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.
 4. All provisional use permits granted shall be subject to provisions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These provisions shall include, but not be limited to:
 - a. Provide current copies of all federal, state and local facility operation approval or certificates and ongoing environmental monitoring results to the Village.
 - b. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
 - c. Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
 - d. Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the Village.
 5. The Rockland Village Board shall decide upon a request for a provisional use permit. Any provisions above and beyond those specified in Section K (6) herein, may be applied to the granting of the provisional use permit by the Village Board.
 6. The Provisional Use Permit will become effective only after any costs incurred during the Provisional Use Permit application review are satisfied by the applicant.
 7. Provisional use permits are non-transferable. In a case of business or property transfer, the new owner is responsible for applying for a new provisional use permit subject to subsections 1-7 of this Section.

L. Design and Operational Standards

1. The following Design Standards apply to permitted land use activities within the Groundwater Protection Overlay District:
 - a. All parking lots exceeding eight (8) stalls, all sump pumps and all roof drains shall be connected to a storm sewer lateral or other apparatus. Use of drywells or other subsurface drains is prohibited.
 - b. No more than seventy percent (70%) of a lot shall be covered by impervious surfaces such as buildings or parking lots.
 - c. All parking lots shall be paved with asphalt or concrete.
 - d. All stormwater conveyance shall be via a swale lined with an appropriate impervious material or a watertight storm sewer pipe.
 - e. All storm water retention/infiltration ponds shall, at a minimum, use a fore bay design intended to maximize natural filtration. The fore bay designs shall include spill containment measures, initial and secondary detention weirs and/or outfall control valves.
 - f. Stormwater and sanitary sewer mains must meet separation distance requirements as defined in Section H.
 - g. Sanitary sewer mains must be pressure tested in place to meet current State of Wisconsin Department of Administration Division of Facilities Development Master Specifications and applicable local or project specific specifications.
2. The following Design Standards apply to Provisional Use activities within the Groundwater Protection Overlay District:
 - a. All design standards listed in Section L
 - b. Facilities that handle Regulated Substances shall have a minimum of one loading/unloading area designated for the handling of Regulated Substances. The designated loading/unloading area shall be designed with spill and/or runoff containment that is connected to a municipal sanitary sewer lateral. The loading/unloading area shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer. Regulated Substances may be loaded/unloaded only in a designated handling area.
 - c. Storage areas for Regulated Substances shall be designed with secondary containment capable of controlling one hundred twenty five (125%) of the maximum design capacity of the liquid storage area.
 - d. Facilities involved in the handling of Regulated Substances will, when determined necessary by the Committee, prepare a groundwater monitoring plan.
 - e. All rail spurs used to transport Regulated Substances shall be designed to minimize infiltration and convey runoff to a stormwater conveyance system. Rail car loading/unloading areas used to handle Regulated Substances shall be designed with spill and/or runoff containment that is connected to a municipal sewer lateral. The loading/unloading area shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer.
3. The following Operational Standards apply to permitted land use activities within the Groundwater Protection Overlay District:
 - a. No outdoor storage of product, material, or equipment shall be allowed.

- b. Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the Groundwater Protection Overlay District, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or groundwater. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for 30 days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.
- c. The use of deicing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.

M. Requirements for Existing Facilities

- 1. Existing facilities within the Groundwater Protection Overlay District at the time of enactment of such district which use, store, handle, or produce Regulated Substance in excess of quantities outlined in Section G(2)(g-j), and all other facilities which are considered a prohibited use in Prohibited Uses, Section I, or a provisional use in Provisional Use Permits, Section K, all of which are incorporated herein as if fully set forth, shall be subject to the following requirements:
 - a. Such facilities as defined in Section M(1) which exist within the district at the time of enactment of a district shall provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and ongoing environmental monitoring results to the Village.
 - b. Such facilities as defined in Section M(1) which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
 - c. Such facilities as defined in Section M(1) cannot engage in or employ a use, activity, or structure listed in prohibited uses, Section I, or in provisional uses, Section K, which they did not engage in or employ at the time of enactment of a district, and can only expand, replace in kind or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or provisional use shall be expanded, replaced in kind, or rebuilt unless a provisional use permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.

- d. Such facilities as defined in Section M(1) cannot change the quantity or type of Regulated Substances handled, used or stored by the facility at the time of enactment of a district unless a provisional use permit is granted for such change in quantity or type.

N. Changing Technology:

1. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered being of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or nonrisk materials or methods, upon petition from such use and after appropriate public notice and hearing, the Village Board, through appropriate procedures and actions to change these provisions of the Rockland Municipal Ordinances, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
2. In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.

O. Enforcement and Penalty

1. **Penalty:** Any person who violates, neglects, or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty of not less than \$1000 nor more than \$10,000 per violation.
2. **Injunction:** The Village of Rockland may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
3. **Notice of Violation:**
 - a. Any person found in violation of any provisions of this ordinance (a) will be served with a written notice stating the nature of the violation and providing reasonable time for compliance.
 - b. The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.
4. **Inspections:** Subject to applicable provisions of law, the Village of Rockland Utility Operator shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Ordinance to ensure that activities are in accordance with the provisions of Sections G through M. Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above stated purposes, the Board of Public Works may apply to

- a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
5. Vandalism: No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the Village and/or any other protected public water supply, or which results in the violation of Sections G through M.
 6. Subject Area: The area subject to the provisions of this ordinance is the Groundwater Protection Overlay District as shown on the official Zoning Map of the Village of Rockland and as shown in Figure 1.
 7. Determination of Applicability: It shall be the responsibility of any person owning real property and/or owning or operating a business within the Groundwater Protection Overlay District to make a determination of the applicability of Sections G through M as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.
 8. Management:
 - a. No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as "handle," any Regulated Substance on public or private property within the Groundwater Protection Overlay District or in any area under the jurisdiction of said Groundwater Protection Overlay District, except as provided by law, statute, ordinance, rule or regulation.
 - b. Any violation of subsection (10)(a) of this Section is hereby determined to be a nuisance.
 9. Spills, Leaks or Discharges:
 - a. Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Groundwater Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the Bangor Burns Fire Department utilizing the county wide 911 service and the Village of Rockland Utility Operator at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations.
 - b. Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by the Village of Rockland in response to such an incident, in addition to the amount of any fines imposed on account thereof under State and Federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than one hundred eighty (180) days after the incident.
 10. Cleanup Costs: As a substitute for, and in addition to any other action, the Village of Rockland may commence legal action against both the person who releases

the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Groundwater Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the Village of Rockland and the other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the Village employees, equipment, and mileage.

P. Conflict, Interpretation and Severability

1. Conflict and interpretation of provisions:
If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
2. Severability of Code Provisions:
If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Village Board hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

IV. SEWER USE ORDINANCE

An ordinance establishing a sewer use and user charge system in the Village of Rockland, County of La Crosse, State of Wisconsin, to provide procedures, safeguards and funds to operate and maintain and meet WPDES permits limits and pay for wastewater treatment costs; and

Whereas, the Village of Rockland, Wisconsin, owns and operates a wastewater treatment works; and

Whereas, the Village of Rockland must pay all the operation and maintenance expenses associated with said treatment works and charge the users of said treatment works accordingly; and

Whereas, the Village of Rockland by accepting wastewater assumes all risk for treatment and meeting their WPDES permit but reserve the right to immediately discontinue acceptance of wastewater for operational and permit reasons; and

Now, therefore, be it ordained by the Village of Rockland that the following Sewer Use Ordinance be established:

A. Introduction and General Provisions:

1. 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 system within the Village of Rockland. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems 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 characteristics of wastewater discharged into the Village's sewerage system.
2. This ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charge and fees herein have been established pursuant to requirements of the Wisconsin Statutes. 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 State or Federal Statute or regulation, the State or Federal Statute or regulation shall be controlling.

B. Definitions: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "Approving Authority" shall mean the Village of Rockland, or its duly authorized committee, agent, or representative.
2. "Ammonia Nitrogen ($\text{NH}_3\text{-N}$)" shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH_3 or in ionized form as NH_4^+ . 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.
3. "Biochemical Oxygen Demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".
4. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
5. "Building Sewer" shall mean the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.
6. "Category A" shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentration of BOD no greater than 220 mg/l and suspended solids no greater than 220 mg/l.

7. "Category B" shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 220 mg/l of BOD and 220 mg/l suspended solids.
8. "Compatible Solutions" shall mean biochemical oxygen demand, suspended solids, phosphorous, ammonia, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat additional pollutants to a substantial degree.
9. "Debt Service Charges" shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the sewerage system.
10. "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.
11. "Garbage" shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
12. "Ground Garbage" shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half ($\frac{1}{2}$) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
13. "Incompatible Pollutants or Wastewater" shall mean wastewater or septage with pollutants or of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.
14. "Industrial Waste" shall mean the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from the sewage pretreatment facilities.
15. "May" is permissible.
16. "Municipal Wastewater" shall mean the wastewater of a community. 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 have entered inadvertently the sewerage system.
17. "Natural Outlet" shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
18. "Normal Domestic Strength Wastewater" shall mean wastewater with concentrations of BOD₅ and suspended solids no greater than 200 milligrams per liter (mg/l).
19. "Operation and Maintenance Costs" shall include all costs associated with the operation and maintenance of the sewerage system.
20. "Parts per Million" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
21. "Person" shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.
22. "pH" shall mean the logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Natural water for example, has a pH value of 7 and a hydrogen ion concentration of 10⁻⁷.

23. "Public Sewer" shall mean any sewer provided by or subject to the jurisdiction of the Village of Rockland. It shall also include sewers within or outside the corporate boundaries that serve one or more personnel and ultimately discharge into the Village's sanitary sewer system even though those sewers may not have been constructed with Village funds.
24. "Replacement Costs" shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.
25. "Sanitary Sewage" shall mean a combination of liquid and water-carried wastes as discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.
26. "Sanitary Sewer" shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface water that are not admitted intentionally.
27. "Septage" shall mean the wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
28. "Sewage" is the spent water of a community. The preferred term is "municipal wastewater".
29. "Sewer Service Charge" is a service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
30. "Sewer System" means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewer system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost effective and are owned and maintained by the Village.
31. "Sewerage System" means all structures, conduits and pipes, by which sewage is collected, transported, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
32. "Shall" is mandatory.
33. "Slug Load" shall mean any substance release at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.
34. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

35. "Storm Drain" (sometimes termed "storm sewer") shall mean drain or sewer for conveying surface water, groundwater, subsurface water or unpolluted water from any source.
36. "Stormwater Runoff" shall mean any portion of the rainfall that is collected and drained into the storm sewers.
37. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.
38. "Utility" shall mean the Board of the Rockland Water and Wastewater Utility.
39. "Village" shall mean the Village Board of the Village of Rockland.
40. "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, store and treat domestic industrial waste and septage and dispose of the effluent and sludge.
41. "Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge.
42. "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
43. "Wisconsin Pollutant Discharge Elimination System (WPDES) Permit" is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility or wastewater collection system.

C. Management, Operation, and Control

1. **Responsibility:** The management, operation, and control of the sewerage system for the Village of Rockland vested in the Rockland Sewer Utility; all records, minutes, and all written proceedings thereof shall be kept by the Clerk; the Treasurer shall keep all the financial records.
2. **Construction:** The Village shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the Village; and generally, to do all such work as may be found necessary or convenient in the management of the sewerage system. The Utility shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the Village shall have power to purchase and acquire for the Utility all real and personal property which may be necessary for construction of the sewerage system, or for any repair, remodeling, or additions thereto.
3. **Maintenance of Services:** The Owner shall maintain the building sewer from the street main to the house and including all controls between the same, without expense to the Utility or Village, except when they are damaged as a result of negligence or carelessness on the part of the Utility or Village. All building sewers must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any building sewer is to be relaid and there are two or more buildings on such building sewer, each building shall be disconnected from such building sewer and a new building sewer shall be installed for each building.
4. **Condemnation of Real Estate:** Whenever any real estate or any easement therein, or use thereof, shall in the judgement of the Village be necessary to the sewerage system, and whenever, for any cause, an agreement for the purchase

thereof, cannot be made with the Owner thereof, the Village shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

5. Title to Real Estate and Personality: All property, real, personal, and mixed, acquired for the construction of the sewerage system, and all plan, specifications, diagrams, papers, books and records connected therewith said sewerage system, and all buildings, machinery, and fixtures pertaining thereto shall be the property of the Village.

D. User Rules and Regulations

1. **General:**
 - a. The rules, regulations, and sewer service charge of the Village hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village's sewerage system and every such person, company or corporation by connecting with the sewerage system shall be considered as expressing their assent to be bound thereby.
 - b. The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established.
2. **Plumbers:** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Village. All service connections to the sewer main shall comply with State plumbing code.
3. **Mandatory Hook-up**
 - a. The owner of each parcel of land adjacent to a sanitary sewer on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 120 days of notice in writing from the Village. Upon failure to do so the Village may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such notice shall be assessed as a special tax lien against the property, however, that the owner may within 30 days after the completion of the work, file a written option with the Village stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal annual installments and that the amount shall be so collected with interest at the rate to be determined by the Village, beginning from the completion of the work, with the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.
 - b. This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the Village and fails to assure preservation of public health, comfort, and safety of the Village.
4. **Septic Tank Prohibited:** The maintenance and use of the septic tanks, holding tanks and other private sewage disposal systems within the area of the Village serviced by its sewerage system are hereby declared to be a public nuisance and a health hazard and shall be prohibited.
5. **Application for Sewer Service:**
 - a. Every person desiring to connect to the sewer system shall file an application in writing to the Village on such forms as is prescribed for that

- purpose. Blanks for such applications will be furnished at the office of the Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.
- b. If it appears that the service applied for will not provide adequate service for the contemplated use, the Village may reject the application. If the Village approves the application, it shall issue a permit for services as shown on the application.
6. Connection Charge: Persons connecting to a sewer main shall have the lateral from the sewer main installed at their own expense.
 7. Tap Permits: After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or connections, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Village.
 8. User to Keep in Repair: All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
 9. User Use Only: No user shall allow other persons or other services to connect to the sewer system through their lateral.
 10. Vacating of Premises and Discontinuance of Service: Whenever premises served by the 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 premises 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.
 11. Utility Responsibility: It is expressly stipulated that no claim shall be made against the Village or Utility or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any area of the Village, the Village shall, if practicable, give notice to each and every customer within the area, of the time when such service will be shut off.
12. Excavations:
 - a. In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in manner that will result in the least inconvenience to the public.
 - b. No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.
 - c. In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Village. Backfilling of trenches with frozen material is not allowed.
 13. Tapping the Mains:

- a. 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 mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Village to ensure that new sewers and connections to the sewer system are properly designed and constructed.
 - b. Pipes should be tapped on top, when possible, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.
14. Installation of House Laterals: All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing".
 15. 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 by filing of such an application. The Village shall first determine the logical location of the next manhole or manholes. Next, the Village shall determine the length 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 to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
 - b. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users.

V. REGULATIONS

- A. General Discharge Prohibitions: No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Village of Rockland:
 1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the Village of Rockland wastewater facilities or wastewater treatment works.
 2. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 3. Any wastewater having a pH less than 5.0 or higher than 9 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
 4. Toxic Pollutant:

- a. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in State or Federal Categorical Pretreatment Standards.
 - b. A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in State or Federal Categorical Pretreatment Standards.
 5. 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.
 6. 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.
 7. Any substance which will cause the Village to violate its WPDES and/or other Disposal System Permits.
 8. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 9. Any wastewater having a temperature which will inhibit biological activity in the Village treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the Publicly Owned Treatment Works which exceeds 40°C (104°F).
 10. Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the Publicly Owned Treatment Works.
 11. Any unpolluted water including, but not limited to non-contact cooling water.
 12. Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as exceed limits established by the Authority in compliance with applicable State or Federal regulations.
 13. Any wastewater which causes a hazard to human life or creates a public nuisance.
 14. Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Village.
 15. Any septage.
- B. National Categorical Pretreatment Standards: National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all Dischargers of the regulated industrial categories.
- C. State Requirements: State requirements and limitations on discharges on the Publicly Owned Treatment Works 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.
- D. Right of Revision: The Village of Rockland reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the Publicly Owned Treatment Works where deemed necessary to comply with the objectives set forth in this Ordinance.

E. Dilution: 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.

F. Accidental Discharges:

1. 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 cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.
2. Dischargers shall notify the Authority immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the Village of Rockland wastewater facilities or wastewater treatment works, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.
3. 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. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

VI. SEWER SERVICE CHARGES

- A. Basis: It is hereby determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Village to levy and collect charges, rentals, or rates of service upon all the lands, lots, and premises served by and having connections with the sewerage system of the Village.
- B. User Charge System: A flow based charge shall be used for all customers. The minimum monthly billing shall be sufficient to pay the billing and customer related administrative expenses of the Village. The unit price per volume shall be sufficient to pay the remaining annual cost of operation and maintenance including any replacement fund, of the sewerage facilities. The methodology for determining the user charges is given in the Sewer User Charge System, Village of Rockland, Lacrosse County, Wisconsin, October, 1996, and as amended from time to time.
- C. Category A Users: Category A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD5) no greater than 250 milligrams per liter (mg/l) and suspended solids no greater than 250 milligrams per liter (mg/l). The sewer service charge for Category A will be set by the village board and notice of any rate established shall give notice at least one month before the change is effective.
- D. Category B Users: Category B is defined as wastewater having organic concentrations of biochemical oxygen demand (BOD5) greater than 250 milligrams per liter (mg/l) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/l). The sewer service

charge for Category B will be set by the village board and notice of any rate established shall give notice at least one month before the change is effective.

E. Sewer Users Served by Private Wells:

1. If any person discharging wastewater into the sewer system procures any part or all of his water from sources other than the Water Department, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters obtained from these other sources. Where sewage meters are already installed, the water meters will not be required. The water meters shall be furnished by the Water Department and installed under its supervision, all costs being at the expense of the person requiring the meter.
2. The Water Department will charge for each meter a rental charge set by the Water Department to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer user charge is billed.

F. Residential Sprinkling Allowance: An allowance for metered water used for watering of lawns and outdoor greenery shall be made for the second and third quarters. The allowance pertains to residential, metered customers only, and sewer charges shall be computed on the following basis:

1. Monthly billings during the months of October through May are to be based on actual usage.
2. Monthly billings during the months of June through September are to be billed based on the lesser usage of either the actual usage for the month or the average usage during the months of November through April.

G. Operation, Maintenance, and Replacement Fund Accounts:

1. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Section 2. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.
2. All revenues for the replacement fund and for operation and maintenance of the wastewater facilities shall be used solely for replacement costs and operation and maintenance of the wastewater facilities.

VII. CONTROL OF INDUSTRIAL AND SEPTAGE WASTES

A. Industrial Discharges: If any waters, wastes or septage are discharged, or proposed to be discharged to the public sewerage system that contain substances or possess the characteristics enumerated in Section 5 and which, in the judgement of the Village may be detrimental to the sewerage system, the Village may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the sewerage system.
3. Require a control over the quantities and rates of discharge.
4. Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of Section IV (C).
5. Require sampling and testing done by a state certified laboratory

B. Discharge Permits: Any industrial user, or any significant users, shall be required to obtain a discharge permit from the Village. All existing Industrial or significant users connected to or discharging to the sewerage system must obtain a wastewater discharge permit within ninety (90) days from the time of passage of this ordinance.

1. Users seeking a Wastewater Discharge Permit shall complete and file an application with the Village Clerk. In support of the application, the user shall submit the following information: Name and address of applicant, volume of wastewater to be discharged, time and duration of discharge, peak flow rates and seasonal variations, wastewater characteristics, site plans specifically showing all sewers and appurtenances by size, location and elevation, and other information which the Village may deem to be necessary to evaluate the permit application.
2. Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other regulations, user charges, and fees established by the Village. The conditions of the wastewater discharge permits shall be uniformly enforced in accordance with this ordinance and applicable to State and Federal regulations. The permit conditions shall include, but not be limited to, the following: user charges and fees for wastewater treatment and capital costs at the Wastewater Treatment Plant; the average and maximum allowable wastewater constituents and characteristics; limits on the rate and time of discharge or requirements for flow regulation and equalization; requirements for installation of inspection and sampling facilities, and specifications for monitoring programs; requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges; daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge; requirements for pretreatment of the wastewater; compliance schedules; other conditions to ensure compliance with this chapter.
3. Permits shall be issued for a specified time period not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Village during the life of the permit. The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
4. Any user who violates the following conditions of his permit or of this Chapter, or of applicable State and Federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following: failure of a user to accurately report the wastewater constituents and characteristics of his discharge; failure of the user to report significant changes in operations, or wastewater constituents and characteristics; refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or violation of conditions of the permit.
5. Wastewater Discharge Permits shall be enforced according to Article B of this chapter. Penalties in addition to those in Article B may be specified in the Discharge Permit.

C. Control Manholes:

1. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
2. Control manholes or access facilities shall be located and built in a manner acceptable to the Village. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village.
3. Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, their expense, and shall be maintained by the person discharging the waste 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 shall be approved by the Village prior to the beginning of construction.

D. Measurement of Flow: The volume of flow used for computing the sewer service and the cost recovery charges shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village of Rockland.

E. Provision for Deductions: In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Village that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Village and the industrial waste discharger.

F. Metering of Waste: Devices for measuring the volume of waste discharged may be required by the Village if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall 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 Village.

G. Waste Sampling:

1. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes.
2. Samples shall 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 Village.
3. Testing of samples shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Village or its duly authorized representatives at all times. Access to sampling locations shall be granted to the Village or its duly authorized representatives at all times. Every care shall be exercised in the collecting of samples to ensure their preservation in a state comparable to that at the time the sample is taken.

H. Pretreatment: When required, in the opinion of the Village, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

I. Grease and/or Sand Interceptors: Grease, oil, and sand interceptors, when deemed necessary by the Village, shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. 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. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.

J. Analyses:

1. All measurements, tests, and analyses of the characteristics of water, waste and septage to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants,¹¹ (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the **Village**.
2. Determination of the character and concentration of industrial waste shall be made by the person discharging them or their agent, as designated and required by the Village. The **Village** may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the **Village** may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the **Village** and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

K. Submission of Information:

1. Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the Village prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
2. Each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Village a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

L. Extension of Time: When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration to the Village.

VIII. PAYMENT FOR CHARGES

- A. Payment and Penalty: The sewerage service charge shall be for the corresponding period of the water bills, and shall be payable to the Village not later than 20 days after the end of each period. A penalty of 1.0 percent per month shall be added to all bills not paid by the date fixed for final payment.
- B. Charges A Lien: All sewage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.
- C. Excess Revenues: Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

IX. VIOLATIONS AND PENALTIES

- A. Damages: No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence or

- equipment which is part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. Written Notice of Violation: Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by the Village with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
 - C. Accidental Discharge: Any person found to be responsible for accidentally allowing deleterious discharge into the sewerage system which cause damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Village.
 - D. Accidental Discharge Reporting: Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to the Village.
 - E. Continued Violations: Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof forfeit not less than one hundred dollars (\$100.00) together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
 - F. 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.
 - G. Damage Recovery: The Village shall have the right of recovery from all persons, any expense incurred 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.
 - H. Penalties: 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 \$500.00 and the costs of prosecution. This, however, shall not bar the Village from enforcing the connection duties set out in Section IV for mandatory hookup.
 - I. 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 a written request for reconsideration within ten days of the date of such decision, action, or determination setting forth in detail the facts supporting the user's request for reconsideration. The Village upon receiving the request for reconsideration shall publish the request in three public locations in the Village. The Village shall render a decision on the request for reconsideration to the user in writing within fifteen days of receipt of request. If the ruling on the request for reconsideration made by the Village is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Village.

X. VALIDITY

- A. Repeal of Conflicting Ordinances: All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with the ordinance shall be and the same are hereby repealed.
- B. Savings Clause: If any provision of this ordinance is found invalid or unconstitutional 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 applications of this ordinance which can be given effect without the invalid or unconstitutional provision of application.
- C. Amendments: The Village, through its duly qualified governing body, may amend this ordinance in part or in whole whenever it may deem necessary.

XI. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law. Section 6 of this ordinance, shall be in force beginning April 1, 1997.

XII. DATE OF EFFECT

Adopted by the Village of Rockland, County of La Crosse, State of Wisconsin on the 14th day January, 1997.

VILLAGE OF ROCKLAND

BY: /s/ _____
Dean Ashbacher, President

ATTEST: /s/ _____
Sue Donskey, Clerk

Posted this 17th day of January, 1997.

Amendments were adopted by the Village of Rockland, County of La Crosse & Monroe to the ordinance dated January 14, 1997 on the 12th day of October, 2021.

VILLAGE OF ROCKLAND

BY: _____
Jon Hohlfeld, President

ATTEST: _____
Stephanie Rowell, Clerk

Posted this 13th day of October, 2021.