

CHAPTER 34 - SEWAGE DISPOSAL

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CHAPTER 34 - SEWAGE DISPOSAL

34.1 SECTION 1: PURPOSE AND JURISDICTION

34.1.1 Purpose. This ordinance is designed to regulate the location, construction, design and use of all sewage systems referenced within this ordinance to protect the health of the residents of the Red Cliff Indian Reservation, to prevent the spread of disease and pestilence, and to promote the welfare of the Red Cliff community by resources on the Red Cliff Indian Reservation.

34.1.2 Jurisdiction. This ordinance shall apply to all land located within the boundaries of the Red Cliff Indian Reservation.

34.2 SECTION 2: DEFINITIONS

For purposes of this ordinance, the following definitions shall apply:

34.2.1 "Conventional System" means a system that employs either gravity flow or pumping from the septic or other treatment tank and applies effluent to the soil through the use of a seepage trench, bed or pit.

34.2.2 "Effluent" means liquid discharge from a septic or other treatment tank.

34.2.3 "Holding Tank" means a self-contained, watertight tank(s) which receives and stores sewage for pumping and transfer for proper disposal, and which has no outlet.

34.2.4 "In-ground Individual Waste Disposal System" includes conventional and mound systems as defined herein. See definition of "Private Sewage System."

34.2.5 "Mound System" means an alternative sewage disposal system used on sites not meeting the criteria established by this ordinance for mound systems.

- 34.2.6** "Percolation Rate" is synonymous with permeability and means the ease with which liquids move through the soil.
- 34.2.7** "Percolation Test" means the method specified in Wis. Admin. Code sec. ILHR 83.09(5) of testing absorption qualities of the soil.
- 34.2.8** "Private Sewage System" means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure, or an alternative sewage system approved by the Red Cliff Utilities Department including a substitute for a septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure; and may be owned by the property owner or by a special purpose district.
- 34.2.9** "Public Sewage System" means the system set forth at sec. 34.1.1 of this Chapter.
- 34.2.10** "Privy" means a structure that is not connected to a plumbing system and which is used for the deposition of human body wastes.
- 34.2.11** "Seepage bed" means an excavated area larger than 5 feet in width, which contains a bedding of aggregate and has more than one distribution line.
- 34.2.12** "Seepage pit" means an underground receptacle so constructed as to permit disposal of effluent or clear wastes by soil absorption through its floor and walls.
- 34.2.13** "Seepage trench" means an area excavated one to 5 feet in width, which contains a bedding of aggregate and a signal distribution line.
- 34.2.14** "Septic Tank" means a watertight tank, which receives sewage and by bacterial action and sedimentation, affects a process of clarification and decomposition of solids.

- 34.2.15 "Sewage" means the liquid and water carried wastes created in and to be conducted away from residences, industrial establishments and public buildings.
- 34.2.16 "Recharge Area" means the areas designated as the recharge area within the Red Cliff Tribal Council resolution 11/6/95 A. **(9-24-97 B)**
- 34.2.17 "TOT WHPA" (time of travel wellhead protection area) means the area designated by the "Red Cliff Wellhead Protection Plan", adopted by the Red Cliff Tribal Council resolution 11/6/95 A, as the one (1) year wellhead protection areas. **(9-24-97 B)**

34.3 **SECTION 3: GENERAL REQUIREMENTS**

- 34.3.1 No building intended for human use or occupancy shall be erected, structurally altered, or relocated, unless provisions are made and permits obtained for safe and adequate sanitary facilities in accordance with the applicable requirements of this Ordinance and other applicable state and local regulations.
- 34.3.2 All plumbing fixtures shall be connected to a public sanitary sewer system where available within one year after the public sewer becomes available. Where such public sewer system is not available, private sewage systems may be used, provided that they meet the requirements of this Chapter.
- 34.3.3 Sludge, scum, effluent and all other products of human wastes shall be disposed of in a manner not to create a nuisance or a menace to public health. Such disposal shall comply with Red Cliff Code of Laws, Chapter 12, and with other applicable state and local regulations.
- 34.3.4 There shall be no sewage disposal whatsoever within 100 feet of any march or swamp area or within 150 feet of any stream or navigable waterway or within the one(1) year TOT WHPA or within the designated recharge area of the Red Cliff Wellhead Protection Plan, any other provision of this ordinance notwithstanding. **(9-24-97B)**

34.4 **SECTION 4: PERMITS**

- 34.4.1** Applicants shall submit a completed approved sanitary sewage disposal application to the Red Cliff Utilities Department, who shall review the certified Soil Tester's reports (percolation tests) for the proposed site, and verify said report(s), if deemed necessary.
- 34.4.2** The Red Cliff Utilities Department shall review all sanitary sewage disposal applications submitted for permit on all proposed private sewage systems and inform the applicant of the decision made on their application within a reasonable time.
- 34.4.3** The Red Cliff Utilities Department shall issue written notice to each applicant whose sanitary permit application is disapproved stating that specific reasons for disapproval and amendments which could be made to render the application approvable.
- 34.4.4** Work on a structure or use requiring a private sewage system shall not begin until a sanitary permit has been issued.
- 34.4.5** No persons may install a private sewage system unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit.
- 34.4.6** A sanitary permit is valid for two years from the date of issuance and renewable for similar periods thereafter.
- 34.4.7** A sanitary permit may be transferred from the holder to a subsequent owner of the land, except that subsequent owner must obtain a new copy of the sanitary permit from the Red Cliff Utilities Department.
- 34.4.8** An application to erect, alter or relocate a privy or holding tank shall be filed with the Red Cliff Utilities Department prior to commencing construction activity.

34.4.9 No person may install a privy or holding tank unless the owner of the property on which the structure is to be installed holds a valid sanitary permit.

34.4.10 A permit for a privy or holding tank shall be valid for one (1) year from the date of Issuance.

34.5 **SECTION 5: PRIVATE SEWAGE SYSTEMS**

34.5.1 For purposes of determining which private sewage system best meets the purposes of section 34.1 of this ordinance, and, therefore, will be required until the public sewage system is available, the standards set forth in Wis. Admin. Code sec. ILHR 83 shall apply, except that references to State and County monitoring, review, enforcement and the like shall be inapplicable, and the Red Cliff Utilities Department shall be responsible for all such functions.

34.5.2 Consistent with Wis. Admin. Code sec. ILHR 83, a variance may be granted upon petition to the Red Cliff Utilities Department where soils do not meet the criteria specified by sec. 34.5.1 for the particular system in question. The decision made by the Red Cliff Utilities Department on whether to grant a variance shall be final.

34.5.3 Nothing in this section shall prohibit the Red Cliff Utilities Department from proceeding consistent with Indian Health Service requirements where they are less restrictive than provisions of ILHR 83.

34.5.4 The Red Cliff Utilities Department shall inspect all private sewage systems after construction, but before backfilling.

34.5.5 The Red Cliff Utilities Department shall investigate all violations or suspected violations of this ordinance, and shall issue citations where appropriate.

34.5.6 The Red Cliff Utilities Department shall have all the powers necessary to enforce the provisions of this Ordinance including the following:

- (a) Access, with the consent of the property owner or his agent, to any structure or premise during regular business hours for the purpose of performing assigned duties.
- (b) Prohibit the use of any new sanitary facility until that facility has been inspected and approved.
- (c) Order any person, firm or corporation owning, using, operating or installing any sanitary facility to modify, repair, or place in safe and sanitary condition such system found to be contrary to the terms of this Ordinance.
- (d) Recommend to the Tribal Council any additional sanitary measures deemed necessary.
- (e) Cause abatement of any sanitary facility found to be constructed, operated, or maintained as to be a menace to the health of the community.
- (f) Enforce all rules required and perform all duties directed by tribal council.

34.6 **SECTION 6: PRIVIES AND HOLDING TANKS**

34.6.1 The installation and use of privies and holding tanks within the boundaries of the Red Cliff Indian Reservation is prohibited unless all other private and public sewage disposal systems are inappropriate or unavailable.

34.6.2 Privies are prohibited for structures which are provided with indoor plumbing as defined in Wis. Admin. Code sec. H.62.

In structures served by a privy, indoor plumbing (including, but not limited to water closets, sinks, bathtubs or showers, laundry facilities and any fixture or receptacle receiving domestic waste) shall not be installed until a sanitary permit for a private sewage system is issued.

34.6.3 All privies and holding tanks shall be maintained in a clean and sanitary condition.

34.6.4 Prior to the installation of a holding tank, the following requirements must be met in addition to any other restrictions imposed by this ordinance and any other applicable law:

(a) All plans, including detailed technical data, must be submitted to the Red Cliff Utilities Department for their approval prior to any construction or site preparation;

(b) The applicant must obtain an approved servicing contract with a state-licensed pumper and file the same with the Red Cliff Utilities Department;

(c) The applicant must enter into a holding tank agreement with the Red Cliff Utilities Department; and

(d) The applicant must include in its plans an on-site alarm and monitoring system and effectively install and activate the same before utilizing his/her holding tank. Said monitoring system must be active and effective at all times.

34.7 **SECTION 7: PUBLIC SEWAGE SYSTEM**

34.7.1 Except as otherwise provided, the Red Cliff Utilities Department shall be responsible for the maintenance of the public sewage system on the Red Cliff Indian Reservation.

Individuals and others who wish to have the public sewage system extended to their site shall comply with the provisions of this section and with the requirements of the Red Cliff Utilities department.

34.7.2 Sewer and water lines shall be the responsibility of the landowner/lessee to the point at which said lines connect with the public sewage and water system; thereafter, said lines are the responsibility of the Red Cliff Utilities Department.

34.7.3 Individuals and others who have the public sewage system extended to their site shall maintain a minimum distance often (10) feet between the water and sewer lines.

34.7.4 Nothing in this section shall operate as a restriction or otherwise limit the authority of the Red Cliff Utilities Department to (a) prescribe the manner or method of installation of sewage and water services, or (b) place conditions upon landowner/lessees which must be met prior to the extension of such services.

34.8 **SECTION 8: FEES**

34.8.1 The fee for a sanitary sewage permit for the installation of a private sewage system shall be \$25.00.

34.8.2 The fee for the transfer of a sanitary sewage permit shall be \$10.00.

34.8.3 The fee for the return inspection for the installation of any private sewage system shall be \$10.00.

34.8.4 The fee for a site evaluation where no permit is issued shall be \$10.00.

34.8.5 There shall be no more than one fee charged for a sanitary sewage permit, return inspection or renewal of a sanitary sewage permit in any one twelve (12) month period.

34.9 SECTION 9: PENALTIES

34.9.1 Any person, firm, corporation, or other association of individuals found guilty of violating any provision of this ordinance shall forfeit not less than \$50.00 nor more than \$5000.00, plus costs of any compliance required to rectify the violation. Each day of violation shall constitute a separate offense.

34.10 SECTION 10: MISCELLANEOUS PROVISIONS

34.10.1 If any section, provision, or portion of this Ordinance is adjusted unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

34.10.2 This Ordinance shall not be construed as assuming any liability on the part of the tribe, or any officer or employee thereof, for any problems or damages, which may occur as a result of reliance upon and conformance with this Ordinance.

34.10.3 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the tribe and shall not be deemed a limitation or repeal of any power granted by the Tribal Council.

34.10.4 The Tribe, by adoption of this Ordinance, does not waive its sovereign immunity in any respect.

34.11 SECTION 11: PUBLIC SEWAGE SYSTEM

34.11.1 Purpose. This ordinance establishes the public sewer utility of the Red Cliff Band of Lake Superior Chippewa Indians; establishes sewer rates, rules and regulations; governs sewer users and licensed plumbers; and also provides penalties for violations.

34.11.2 Definitions. The following definitions are applicable to this section:

- (A) "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in the 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 "Standard Methods".
- (B) "Building Drain" means that part of the lowest horizontal piping of a drainage system, which receives the discharge from soil; waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- (C) "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.
- (D) "Garbage" means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (E) "Industrial Waste" means the wastewater from industrial process, trade, or business, as a distinct from sanitary sewage, including cooling water and the discharge of sewage pretreatment facilities.
- (F) "Person" means any and all persons, including any individual, firm, company, municipal or Private Corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (G) "PH" means the logarithm of the reciprocal of the oxygen-ion concentration. The concentration is the weight of the hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and hydrogen-ion concentration of 10^{-7} .

- (H) "Sanitary Sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (I) "Shock" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the waste- water treatment works.
- (J) "Standard Methods" means the examination and analytical procedures set forth in the most recent edition 'of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
- (K) "Storm Drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.
- (L) "Suspended Solids" means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as non-filterable residue.

- (M) "Wastewater" means the spent water 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 ground water, surface water, and storm water that may be present, but not intentionally admitted.
- (N) "Wastewater Treatment Works" means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.
- (O) "Watercourse" shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (P) "Pollutant Discharge Elimination System" (PDES) Permit is a document, which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

34.11.3 Red Cliff Utilities Commission. The management, operation and control of the public sewer system is vested in the Red Cliff Utilities Commission; all records, minutes and all written proceedings of the Commission shall be kept by the Secretary of the Commission; the Treasurer shall keep all financial records.

31.11.4 User Rules and Regulations. The rules, regulations, and sewer rates of the Red Cliff Utilities Commission of the Red Cliff Tribe hereinafter set forth shall be considered part of the contract with every person, company or corporation who is connected with the public sewer system of the Red Cliff Indian Reservation and every such person company, or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby.

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

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

34.11.6 Users.

(A) Application for Service. Every person connecting with the sewer system shall file an application in writing to the Red Cliff Water & Sewer Department, in such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Red Cliff Water & Sewer Department. The application must state fully and truly all the use which will be allowed except upon further application and permission regularly obtained from said Red Cliff Utilities Commission. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

Persons connected to the sewer system of the Red Cliff Utilities Commission of Red Cliff Tribe are referred to herein as "Users". The application may be for service to more than one building, or more than one unit of service through one service connection; and in such case, charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the Red Cliff Utilities Commission may reject the application. If the Red Cliff Utilities Commission shall approve the application; it shall issue a permit for services as shown on the application.

- (B) Payment for Connection Application. Prior to the issuance of the application for service all users that were not a part of the original project and did not pay a special assessment or contribution will be required to make a payment to the utility as follows:

Residential \$ 1,230.00

Commercial \$ 1,230.00

Industrial \$ 1,230.00

Other \$ 1,230.00

If the lateral construction cost to the utility exceeds the above amount, then the user will be required to pay the former cost.

- (C) Tap Permits. After sewer connections have been introduced into any building or upon any premises, no Plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Red Cliff Utilities Commission.
- (D) 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.

- (E) User Use Only. No user shall allow others or other services to connect the sewer system through his lateral.
- (F) User to Permit Inspection. Every user shall permit the Red Cliff Utilities Commission, or their duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- (G) Utility Responsibility. It is expressly stipulated that no claim shall be made against said Red Cliff Utilities Commission or Red Cliff Water & Sewer Department be reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any district of the said Red Cliff Utilities Commission the Red Cliff Water & Sewer Department shall, if practicable, give notice to each and every consumer within such effected district of the time when such service will be shut off.

34.11.7 Excavations.

- (A) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth removed must be deposited in a manner that will occasion the least inconvenience to the public.
- (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 at least as good as before it was disturbed, and satisfactory to the Red Cliff Water & Sewer Department. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

34.11.8 Tapping the Mains.

(A) No person, except those having special permission from the Red Cliff Water & Sewer Department, 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 permit or order from the Red Cliff Utilities Commission.

(B) Pipes should always be tapped on the top-half, and not within six (6) inches (15 cm) of the joint, or within twenty four (24) inches (60 cm) of another lateral connection.

34.11.9 INSTALLATION OF HOUSE LATERALS.

(A) All Service Pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter H-62 "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically, Section H-62.04 (4) "Building Sewers".

(C) All building sewers under construction will be inspected by a designated representative of the Red Cliff Utilities Commission. The building sewers and or private interceptor main sewers shall be inspected upon completion of placement of the pipe and before backfilling, and tested before or after backfilling.

Any sewer that is backfilled prior to inspection shall be re-excavated to allow said inspection.

34.11.10 SEPTIC TANK AND HOLDING TANK DISPOSAL.

No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the reservation boundaries.

34.11.11 SEWER USE CHARGE SYSTEM.

(A) It shall be the policy of the Red Cliff Utilities Commission to obtain sufficient revenues to pay the cost of (1) the annual debt retirement payment on any bonded indebtedness, (2) any required cash reserve account payment, and (3) operation and maintenance of the sewage works, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewage works during the service life for which such works were designed and constructed), through a system of user charges as defined in this section. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works.

(B) All sewer users shall be classified by the utility as (1) residential/commercial (domestic strength); or (2) industrial customers.

(C) User charges shall consist of (1) a minimum quarterly billing, on the basis of user charge factors; and (2) a unit price per volume of water utilized.

(D) The minimum quarterly billing shall be sufficient to pay the annual debt retirement and FmHA Reserve Account costs. A portion of the debt service and Reserve Account may be budgeted by levying an ad valorem tax in accordance with Wisconsin State Statutes. The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund, of the sewage works. Users will be notified annually of the portion of user charges or ad valorem taxes attributable to waste water treatment services. Water meter readings shall be used to determine the actual water volume used. The unit price portion of the third quarter (i.e., July - September) sewer bill will be based on the average volume of water used during the previous second, first and fourth quarter, except that no "zero" usage quarter will be averaged. All other quarterly sewer bills will be based on actual water used. If a portion of the water furnished to any customer is not discharged into the sewer system, the quantity of such water will be deducted in computing the charge for sewer service, provided a meter has been installed to measure such water. The customer must at his/her own expense make necessary changes in the water piping and install couplings so that a meter can be set. A charge for the actual cost of providing a meter shall be paid by the customer.

(E) The methodology of determining the user charges is given in Appendix A. The Utility shall provide the initial estimates of water volumes, number of meters, costs, etc., to calculate the first year's user charges. The user charges and this ordinance shall be reviewed not less than bi-annually. Such review shall be performed by the Red Cliff Utilities Commission. User charges shall be adjusted, as required, to reflect actual volumes of water used and actual costs.

(F) Where it is not possible to obtain a water meter reading, or in cases where no water meter exists, the customer shall be assigned an average water volume by the Tribe, based on previous meter readings and this shall be so stated on the bill. The difference shall be adjusted when the meter is again read.

34.11.12 Sewer Rates.

(A) There shall be charged to each user of the sewer system a sewer charge as follows:

(1) A minimum charge based on the size of water meter in service as per the following schedule:

5/8" & 3/4" Meters

1" \$ 18.30 qtr.

1 ½ " \$ 18.30 qtr.

2" \$ 18.30 qtr.

List Users with larger than 2" \$ N/ A qtr.

(2) A variable charge based on the amount of water consumed, as defined in Section 34.11.11, of \$2.78 per 1,000 gallons per quarter.

(B) All charges for sewerage service shall be made quarterly and shall be payable on the first day of January, April, July, and October in each year. A three percent (3%) penalty will be added to those bills not paid on or before the 20th day after the due date of the bill with a thirty cent minimum penalty charge. A failure to receive a bill shall not excuse non-payment. Sewerage service charges shall be a lien on the property served in accordance with Section 66.076(7) of the Wisconsin Statutes.

- (C) Excess revenues collected from a user class will be applied to operation, maintenance, and replacement costs attributable to that class for the next year.
- (D) The User Charge System takes precedence over pre-existing agreements inconsistent with the governing regulations of the Wisconsin Fund Grant Program.

34.11.13 MISCELLANEOUS RULES AND REGULATIONS

- (A) Mandatory Hookup. The owner of each parcel of land adjacent to a sewer main, on which there exists a building useable for human habitation or in a block through which such system is extended, shall connect to such system within 180 days of notice in writing from the Red Cliff Water & Sewer Department. Upon failure to do so the Red Cliff Water & Sewer Department, may cause such connection to be made and bill the property owner for such cost. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, provided, however, that the owner may within thirty (30) days after the completion of the work file a written opinion with the Red Cliff Utilities Commission stating that he cannot pay such amount in one sum and ask that payments be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 12% percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

(B) In lieu of subsection (A) above, the Red Cliff Utilities Commission at its option may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the sewer, in an amount of \$17.60 per month for each residential unit equivalent payable quarterly, for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

(C) This ordinance mandates that the failure to connect to the Sewer System is contrary to the minimum health standards of the Red Cliff Tribe and fails to assure preservation of public health, comfort, and safety of the Tribe.

34.11.14 Maintenance of Services.

(A) The utility shall maintain sewer service within the limits of the Red Cliff Indian Reservation from the street main to the property line and including all control between the same, without expense to the property owner, except when any portion of the system is damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All sewer services from the point of maintenance of the system to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(B) When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

34.11.15 Penalty for Improper Use.

- (A) It shall be unlawful for any person to willfully injure the sewer system, or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Red Cliff Water & Sewer Department, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting sewage.

- (B) It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspend solids concentration of over 350 mg/l (normal domestic sewage); a surcharge shall be based on the excess of BOD or suspended solids at a rate of \$.50/pound. The Red Cliff Water & Sewer Department reserves the right to test the sewage at any point within the connection system of the user or consumer. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased operation and maintenance or replacement costs caused by the toxic pollutants.

- (C) No user shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:
 - (1) Any storm water, surface water, ground water, roof run-off or surface drainage.

 - (2) Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

- (3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.
- (4) Any water or wastes containing a toxic or poisonous substance in sufficient quantity or injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
- (5) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- (6) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (7) Any garbage that has not been properly shredded.
- (8) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (9) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (10) Any water or wastes having pH lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

34.11.16 Damage Recovery. In addition to any other penalty provided by this Ordinance or other law, the Red Cliff Utilities Commission shall have the right of recovery from any responsible persons of any expense incurred by the Tribe for penalties imposed on the Tribe due to a violation of this ordinance or other law, correction of conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.

34.11.17 Penalties. Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Red Cliff utilities Commission of the Red Cliff Tribe; or who shall connect a service pipe without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials relative to the public sewer system and which are incorporated by reference herein, shall upon conviction thereof forfeit not less than \$10 nor more than \$200 and the costs of prosecution in addition to any restitution. This, however, shall not bar the Red Cliff Water & Sewer Department from enforcing the connection duties set out in Section 34.11.13(A) for mandatory hook-up.

34.11.18 Septic Tanks Prohibited. The maintenance and use of septic tanks and other private sewage disposal systems within the Red Cliff Indian Reservation serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after July 1, 2001 the use of septic tanks or any private sewage disposal system within the area of the Red Cliff Reservation serviced by the sewerage system shall be prohibited.

- 34.11.19** 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 Red Cliff Water & Sewer Department must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage occurring to the property of the system other than through the fault of the system or its employees, representatives, or agents.
- 34.11.20** Charges are a Lien on Property. All sewer services, charges, and special assessments shall be a lien on a lot, a part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October and any year, shall be certified to the Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.
- 34.11.21** Unit of Service Definition. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one customer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses; thus houses and apartments having suites of one, two, or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses. When a consumer's premises has several buildings, for which services are eligible and such buildings are used in the same conditions impairing the proper operation of the sewer system and the repair or replacement of any sewer pipe or other property of the sewer system damaged in any manner by any negligent or intended act or omission by such person or by others under their control.

34.11.22 Adoption of Other Rules. The Tribe hereby adopts all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor, and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the public sewer system of the Red Cliff Indian Reservation. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

34.11.23 Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid such decision shall not affect the validity of the remaining portions of the ordinance. The Red Cliff Utilities Commission hereby declares that it would have passed this ordinance and section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses, and phrases is declared unconstitutional.