

## Chapter 273

### PROPERTY MAINTENANCE

§ 273-1. Intent and purpose; applicability.

§ 273-4. Notice of violation.

§ 273-2. Minimum requirements.

§ 273-5. Violations and penalties.

§ 273-3. Exceptions.

[HISTORY: Adopted by the Village Board of the Village of Ontario 11-8-2004. Amendments noted where applicable.]

#### GENERAL REFERENCES

Brush, grass and weeds — See Ch. 131.

Hazardous materials — See Ch. 202.

Building construction — See Ch. 135.

Nuisances — See Ch. 252.

Open burning — See Ch. 142.

Trees and shrubs — See Ch. 322.

Fire prevention — See Ch. 187.

Abandoned vehicles — See Ch. 331.

§ 273-1. Intent and purpose; applicability.

- A. This chapter is adopted for the purpose of preserving and promoting the public health, safety, prosperity and general welfare of the people of the Village of Ontario and establishing a minimum standard for maintenance of buildings, structures and premises. It is declared that land, buildings, structures and adjacent property which have become or are becoming deteriorated, dilapidated, neglected, fire hazards, vermin or rodent harborages or unsanitary may constitute public nuisances. Failure to meet the standards of this chapter is detrimental to the health, safety and general welfare of the residents of the Village of Ontario.
- B. This chapter shall be applied to all buildings and structures in the Village of Ontario without regard to their class or their date of construction, alteration or repair. The owner or tenant shall be responsible for ensuring that the buildings and structures conform to the requirements of this chapter. Lack of maintenance and progressive deterioration of certain properties have the effect of creating blighted area conditions, and if such conditions are not curtailed and removed, the expenditure of public funds to correct and eliminate the same may be necessary. Timely regulation and restriction to contain and prevent blight is necessary, thereby maintaining the desirability and amenities, as well as property values, of the neighborhoods in the Village of Ontario. The establishment and enforcement of minimum property maintenance standards is necessary to preserve and promote the private and public interest.

§ 273-2. Minimum requirements.

- A. Every owner or tenant shall improve and maintain all property under his control to comply with the following minimum requirements:

- (1) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this chapter. Where weed cutting is required, the Weed Commissioner shall have said weeds cut and process the charge therefor as a special assessment against the benefited property owner.
- (2) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation.
- (3) Exterior surfaces. Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint and other preservative shall be applied in a workmanlike fashion.
- (4) Yard areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or noncombustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris or refuse. Unless in a properly zoned district and screened by a visual barrier at least five feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners or building material not used within 30 days or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.
- (5) General requirements. Every foundation, exterior wall, and roof shall be reasonably weathertight, watertight and rodent-proof and shall be kept in proper repair and shall be capable of affording privacy. Any hazardous sagging or bulging shall be properly repaired to a level of plumb position. All chimneys and breaching shall be so constructed and maintained so as to ensure that they safely and properly remove the products of combustion from the building.
- (6) Windows and doors. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent-proof and kept in proper repair. All door and window hardware shall be installed and maintained in proper working condition.
- (7) Outside stairs and porches. Every outside stair, porch and appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, shall be kept in proper condition and repair and shall comply with the requirements specified in the Village Building Code.<sup>1</sup>
- (8) Junk. All exterior property areas shall be kept free and clear of debris and shall not be used for the outdoor storage of materials, to include, but not be limited to, metal

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1. Editor's Note: See Ch. 135, Building Construction.

scraps; lumber; waste matter; litter; abandoned, partially dismantled, nonoperable, unlicensed or unregistered, wrecked or junked vehicles; motor vehicle parts; discarded or nonfunctional household appliances; and furniture. Any business engaged in automotive sales or repair may retain such vehicles in the open, on private property, for a period not to exceed three months, after which such vehicles must be enclosed by a screening or live planting to be approved by the Village Board.<sup>2</sup>

- (9) Nuisances and infestation. The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition. Every building and structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin. Owners and occupants shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control, except where more than one unit is infested at the same time, and in this instance the owner shall also be responsible for extermination of the infestation.

#### § 273-3. Exceptions. <sup>3</sup>

This chapter shall not apply to any motor vehicle or motor vehicle accessories stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or to seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, provided that such vehicles are stored in rear yard areas. Such business enterprises shall include auto junkyards and auto repair and body shops but shall not include automobile service stations or tire, battery and accessory sales stores, except those service stations which operate a duly licensed wrecker service. Also excepted are motor vehicles registered pursuant to §§ 341.265 and 341.266, Wis. Stats. In other situations, Village law enforcement officers may issue permits permitting an extension of not to exceed an additional 30 days' time to comply with this chapter where exceptional facts and circumstances warrant such extension.

#### § 273-4. Notice of violation.

- A. Upon determination by the Building Inspector of a violation of this chapter, the Village shall notify the owner and, if different from the owner, the occupant of the premises of such violation. Complaints alleging a violation of this chapter shall be commenced by service of written notice of noncompliance upon the property owner or the occupant as appropriate.
- B. The notice shall specify the nature of the violation, the required correction with the corresponding reference to the ordinance requirement, and a reasonable time, not to exceed 30 days, to correct the violation. Extensions shall be granted by the Village Board of Ontario and the Building Inspector only. The notice shall be served upon the person or

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.

**§ 273-5. Violations and penalties. <sup>4</sup>**

All violations of this chapter shall be subject to a forfeiture of \$50 per offense and the costs of prosecution and, in default of payment of such forfeiture and costs, imprisonment in the Vernon County Jail until such forfeiture and costs are paid, but not exceeding 30 days. Each day that a violation continues after proper notice has been served shall be deemed a separate violation.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

## Chapter 278

### PUBLIC BUILDINGS

#### ARTICLE I Access by Handicapped Persons

##### § 278-1. Statement of purpose.

##### § 278-2. Complaint procedure.

##### § 278-3. Appeals.

##### § 278-4. Other remedies.

##### § 278-5. Due process.

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

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#### ARTICLE I Access by Handicapped Persons [Adopted 7-7-1986 as Title 10, Ch. 3 of the 1986 Code]

##### § 278-1. Statement of purpose.

The Village is committed to providing adequate access by handicapped or visually impaired persons to public buildings financed in part by federal revenue sharing. This article provides for a grievance procedure providing for prompt and equitable resolution of complaints alleging any act prohibited by the Office of Revenue Sharing's (ORS's) regulations (31 CFR 51.55[d][2]) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794). Section 504 states, in part, that "no otherwise qualified handicapped individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

##### § 278-2. Complaint procedure.

- A. Complaints should be filed with the Village Clerk-Treasurer, who has been designated to coordinate Section 504 compliance.
- B. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- C. A complaint should be filed within 30 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
- D. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by an appropriate person designated by the Clerk-Treasurer who should review the Handicapped Requirements Handbook published by the Federal Programs Advisory Service.

- E. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the designated person and a copy forwarded to the complainant no later than 30 days after its filing.
- F. The Section 504 coordinator shall maintain the files and records of the Village relating to the complaints filed.

#### **§ 278-3. Appeals.**

- A. The complainant may appeal the decision of the Section 504 coordinator where he or she is dissatisfied with the resolution. The appeal request shall be made within seven days to the Clerk-Treasurer.
- B. The grievance shall be heard by the Village Board within 10 working days after the filing of an appeals request. The grievance shall be heard at the Village Hall at a convenient time fixed by the Village Board. The Clerk-Treasurer shall give at least three days' written notice to the applicant by first-class mail of any such grievance hearing.
- C. Either party to the grievance may be represented, present evidence by testimony or otherwise, cross-examine witnesses and make argument either in person or by an agent of his or her choosing. Proceedings may and, upon request of the applicant, shall be recorded.
- D. The decision of the Village Board on the grievance appeal shall be in writing and shall state the reasons for the decision. The decision of the Village Board shall be rendered within three working days of the close of the hearing, and the Village Board shall immediately upon rendering the decision mail a copy thereof by first-class mail to the applicant at the current post office address given in his or her application and record a copy of its determination with the Clerk-Treasurer.

#### **§ 278-4. Other remedies.**

The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Village believes that resolution of the complaint will be more promptly achieved if the Village is able to provide a remedy before the complaint is brought to an external organization.

#### **§ 278-5. Due process.**

This article shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the Village complies with Section 504 and ORS regulations.

## **Chapter 294**

### **SEWER UTILITY**

#### **ARTICLE I** **General Provisions**

- § 294-1. Management of sewer system.
- § 294-2. Maintenance of services.
- § 294-3. Acquiring real estate by condemnation.
- § 294-4. Title to real estate and personal property.
- § 294-5. User rules and regulations.
- § 294-6. Definitions.

#### **ARTICLE II** **Building Sewers and Connections**

- § 294-7. Rules and regulations adopted.
- § 294-8. Regulation of plumbers.
- § 294-9. Mandatory hookup.
- § 294-10. Septic tanks.
- § 294-11. Application for service.
- § 294-12. Application for septage disposal.
- § 294-13. Responsibility for costs.
- § 294-14. Tap permits.
- § 294-15. User to keep service pipes in repair.
- § 294-16. Unlawful connections.
- § 294-17. Protection of floor drains.
- § 294-18. Vacating of premises and discontinuance of service.
- § 294-19. User to permit inspection.
- § 294-20. Village authority to shut off service.
- § 294-21. Excavations.
- § 294-22. Tapping the mains.
- § 294-23. Installation of house laterals.

- § 294-24. Extensions.
- § 294-25. Assessment of extension cost.
- § 294-26. Septage discharges.
- § 294-27. Connection and lateral charges.

#### **ARTICLE III** **Use of Public Sewerage System**

- § 294-28. Prohibitions and limitations on discharges.
- § 294-29. Approval required for septage disposal.
- § 294-30. Special agreements.
- § 294-31. Permit required.

#### **ARTICLE IV** **Sewer User Charge System**

- § 294-32. Definitions; policy.
- § 294-33. Classification of users.
- § 294-34. Determination of user charges.
- § 294-35. Calculation in absence of meter reading.
- § 294-36. Sewer rates.
- § 294-37. Disposition of revenue.
- § 294-38. Additional charges.
- § 294-39. Excess revenues.
- § 294-40. Damage recovery.

#### **ARTICLE V** **Industrial Wastes**

- § 294-41. Submission of basic data.
- § 294-42. Extension of time.
- § 294-43. Restrictions on discharges.
- § 294-44. Control manholes.

§ 294-45. Measurement of flow.

§ 294-46. Provision for deductions.

§ 294-47. Metering of waste.

§ 294-48. Waste sampling.

§ 294-49. Analyses.

§ 294-50. Pretreatment.

§ 294-51. Submission of information.

§ 294-52. Grease, oil and sand  
interceptors.

## ARTICLE VI Enforcement

§ 294-53. Damaging structures or  
equipment.

§ 294-54. Notice of violation.

§ 294-55. Accidental discharge.

§ 294-56. Continued violations.

§ 294-57. Liability for loss or damage.

§ 294-58. Violations and penalties.

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 5, Ch. 3 of the 1986 Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Assessments — See Ch. 10.

Building construction — See Ch. 135.

Hazardous materials — See Ch. 202.

Streets and sidewalks — See Ch. 309.

Water Utility — See Ch. 342.

Subdivision of land — See Ch. 364.

## ARTICLE I General Provisions

### § 294-1. Management of sewer system.

- A. The management, operation, and control of the sewer system for the Village of Ontario is vested in the Board of Trustees of said Village; all records, minutes and all written proceedings thereof shall be kept by the Village Board, and the Village Clerk-Treasurer shall keep all the financial records.
- B. The Village Board 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 sewer system. The Village Board shall have power by itself, its officers, agents and servants to enter upon any land for the purpose of making examination or supervising in the performance of its duties under this chapter, without liability therefor, and the Board shall have power to purchase and acquire for the Village all real and personal property which may be necessary for construction of the sewer system or for any repair, remodeling, or additions thereto.

### § 294-2. Maintenance of services.

The owner shall maintain sewer service from the street main to the house and including all controls between the same, without expense to the Village, except when they are damaged as a result of negligence or carelessness on the part of the Village. All sewer services must be maintained free of defective conditions by and at the expense of the owner or occupant of the



property. When any sewer service is to be relaid 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.

**§ 294-3. Acquiring real estate by condemnation.**

Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Village be necessary to the sewer 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 Policy Act of 1970, if federal funds are used.

**§ 294-4. Title to real estate and personal property.**

All property, real, personal and mixed, acquired for the construction of the sewer system; all plans, specifications, diagrams, papers, books and records connected with said sewer system; and all buildings, machinery, and fixtures pertaining thereto shall be the property of said Village of Ontario.

**§ 294-5. User rules and regulations.**

The rules, regulations and sewer user charges as hereinafter set forth in this chapter shall be considered a part of the contract with every person, company or corporation which is connected with the sewer system of the Village, and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his or its assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Village Board 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 reestablished except by order of the Village Board or its duly authorized agent, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Board may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Village Board, 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 the Board to change said rules, regulations and sewer rates and contracts in all proper cases.

**§ 294-6. Definitions.**

The following definitions are applicable to this chapter:

**BIOCHEMICAL OXYGEN DEMAND (BOD)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

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

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

**GARBAGE** — The residue from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of food products and produce.

**INDUSTRIAL WASTE** — The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooking water and the discharge from sewage pretreatment facilities.

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

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

**SANITARY SEWER** — 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.

**SLUG** — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.<sup>1</sup>

**STANDARD METHODS** — 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.

**STORM DRAIN** (sometimes termed "storm sewer") — A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

**SUSPENDED SOLIDS** — Solids that either float on the surface of or are in suspension in water, wastewater, or other liquids and that are removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater and are referred to as "nonfilterable residue."

**WASTEWATER** — 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 groundwater, surface water, and stormwater that may be present but not intentionally admitted.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

**WASTEWATER TREATMENT WORKS** — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment."

**WATERCOURSE** — A natural or artificial channel for the passage of water, either continuously or intermittently.

**WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT** — A document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

## ARTICLE II

### Building Sewers and Connections

#### § 294-7. Rules and regulations adopted.

The following rules and regulations for the government of licensed plumbers, sewer users and others are hereby adopted and established.

#### § 294-8. Regulation of 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 the State Plumbing Code.

#### § 294-9. Mandatory hookup.

- A. The owner of each parcel of land adjacent to a sewer main 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 10 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, all pursuant to § 281.45, Wis. Stats.; provided, however, that the owner may within 30 days after the completion of the work file a written option with the Village Clerk-Treasurer stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed five equal installments, and the amount shall be so collected with interest at the rate of 6% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to § 281.45, Wis. Stats.<sup>2</sup>
- B. In lieu of the above, the Village, at its option, may impose a penalty for the period that the violation continues, after 10 days' written notice to any owner failing to make a connection to the sewer system, of an amount equal to 150% of the minimum quarterly

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

charge for sewer service 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 § 281.45, Wis. Stats.

- C. This section ordains that the failure to connect to the sewer system fails to assure preservation of public health, comfort, and safety and is contrary to the minimum health standards of said Village.

#### **§ 294-10. Septic tanks.<sup>3</sup>**

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the Village serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the Village serviced by the sewerage system shall be prohibited.

#### **§ 294-11. Application for service.**

- A. Every person connecting with the sewer system shall file an application in writing with the Village, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Village Clerk-Treasurer. The application must state fully and truly all the use which will be allowed, except upon further application and permission regularly obtained from the Village. 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 Village of Ontario are referred to herein as "users."
- B. 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 cases charges shall be made accordingly.
- C. 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 shall approve the application, it shall issue a permit for services as shown on the application.
- D. An applicant for municipal sewer service who is not an owner of the property to be served shall pay, prior to hookup, a deposit to guarantee payment of all municipal sewer service charges. The deposit shall be as set by the Village Board.<sup>4</sup> The deposit shall be returned to the customer upon termination of sewer service, provided all charges to the date of termination are first paid.<sup>5</sup>

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#### **§ 294-12. Application for septage disposal.**

- A. Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the Village wastewater treatment works shall file a nonrefundable

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

4. Editor's Note: See Ch. A390, Fees.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

filing fee and an application in writing to the Village in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the Village wastewater treatment works.

- B. During the month of September, the Village will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the Village wastewater treatment facility. The Village shall approve or reject all applications by October 1 of each year. If the Village cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service area.
- C. All Village approvals for septage disposal shall have the condition that any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that is indirectly or directly related to septage disposal, the Village may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- D. Charges for disposal shall be as set by the Village Board.<sup>6</sup> Bills shall be mailed on a monthly basis, and if payments are not received within 30 days thereof, disposal privileges shall be suspended.
- E. Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than \$100,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
- F. Any materials dumped into the treatment system shall be of domestic origin only, and the person or party disposing waste will comply with the provisions of any and all applicable ordinances of the Village and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids or other deleterious substances into any manhole nor allow any earth, sand, or other solid material to pass into any part of the sewerage system.
- G. The person(s) or party disposing waste agrees to indemnify and save harmless the Village of Ontario from any and all liability and claims for damages arising out of or resulting from work and labor performed. The person(s) or party disposing waste shall furnish bond to the Village of Ontario in the amount of \$1,000 to guarantee performance. Said performance bond shall be delivered to Village Clerk-Treasurer prior to the issuance of the permit hereunder.

#### **§ 294-13. Responsibility for costs.**

Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.

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6. Editor's Note: See Ch. A390, Fees.

**§ 294-14. 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 Village.

**§ 294-15. User to keep service pipes 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.

**§ 294-16. Unlawful connections.**

No user shall allow others or other services to connect to the sewer system through his lateral.

**§ 294-17. Protection of floor drains.**

All floor drains shall have a backflow prevention valve installed at the owner's expense.

**§ 294-18. 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 or such damage which may be discovered as having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

**§ 294-19. User to permit inspection.**

Every user shall permit the Village Board, or its duly authorized agent, at all reasonable hours of the day, to enter his premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate, and he must at all times frankly provide full disclosure to all questions put to him relative to its use, all in accordance with this chapter and § 196.71, Wis. Stats.

**§ 294-20. Village authority to shut off service. .**

It is expressly stipulated that no claim shall be made against the Village 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 regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any section of the sewerage system, the Village shall, if practicable, give notice to each and every consumer within the affected section of the time when such service will be so shut off.

**§ 294-21. 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 as good, at least, as before it was disturbed and satisfactory to the Village. No opening of the street for tapping the pipes will be permitted when the ground is frozen.

**§ 294-22. Tapping the mains.**

- A. No person, except those having special permission from the Village Board, or persons in its service and approved by it, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection, materials, and pipe size shall be that specified in the permit or order from said Village Board to ensure that new sewers and connections to the sewer system are properly designed and constructed.
- B. Pipes should always be tapped on the top and not within six inches (15 centimeters) of the joint or within 24 inches (60 centimeters) of another lateral connection. All service connections to mains must comply with the State Plumbing Code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee. Connections to existing tees or wyes shall be made with an approved bonded rubber.

**§ 294-23. Installation of house laterals.**

- A. All service pipes (laterals) on private property will be installed in accordance with Ch. COMM 82, Design, Construction, Installation, Supervision, Maintenance and Inspection of Plumbing, specifically § COMM 82.20, Building Sewers, Wis. Adm. Code.
- B. Per § COMM 82.20, Wis. Adm. Code, all laterals will be inspected. "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."
- C. The cost of installing building service laterals, including but not limited to the costs for materials, labor, connections, and permit fees, shall be paid by the person connecting with the sewer.

**§ 294-24. 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 main is required by the prospective user, said person shall make an application for such an extension in writing to the Village by filing a written application for the same with the Clerk-Treasurer. After the 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. (This is only one method of allocating costs, and these costs can be allocated based on a given community's preference.)
- C. After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Village shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the Village Board shall first divide the area to be served into logical building lots. The Village Board may consider the recommendations of the landowner in determining said building lots if the landowner as a part of his application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot owned by one of the original applicants as a separate user.
- D. When the Village receives a future contribution, it shall after receiving the money pay said money to the previous contributors by paying to each of the previous contributors equal amounts by counting each previous contributing lot as a separate contributor. The Village shall not make payments to a previous contributor if 10 years have expired from the date of the original contribution. Said money paid shall be retained by the Village.
- E. It is hereby provided that the right to contribution shall follow the land and not the contributor, with the reimbursement to go to the person who is the owner of the receiving lot at the time of the reimbursement. If a contributor owns more than one lot at the time of contribution, he shall be required to designate one of the lots as the lot entitled to contribution, and the owner of such a lot at the time of any contribution shall receive the reimbursements for all of the lot(s) owned by the original contributor at the time of the original contribution. Such lot designation shall be filed with the Village Clerk-Treasurer and may be filed in the office of the Register of Deeds for Vernon County, Wisconsin. The owner of such designated lot may, by filing a corrective designation, change said designation to another lot owned by him as long as such new lot is one of the lots to be served by said extension. The total amount of reimbursement shall be the total payment made by him less the benefits conferred upon the lot or lots owned by him at the time of his contribution.
- F. In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to his or her building.



**§ 294-25. Assessment of extension cost.**

- A. Special assessment. Where the Village Board elects to extend a sewer main and the cost of the extension is to be immediately assessed against the abutting property, the procedure set forth under § 66.0703, Wis. Stats., shall apply.
- B. Customer-financed extensions. Where the Village Board is unwilling to make a special assessment because of the low density of prospective consumers or for any other reason, customer-financed extensions will be made on the request of any customer who shall comply with the terms and conditions set forth in the following Subsections B(1) through (6):
- (1) Customer defined. The word "customer" as used in this section means the owner of the premises which the sewer main is to service, unless specific written agreements filed with the Village Clerk-Treasurer specify otherwise. The customer at all times means the property owner at the time a contribution is to be made or a refund becomes available.
  - (2) Basis for determining contributions from original customer. The applicant will advance the full cost of construction of the sewer main. The contribution must be paid in advance of construction; provided, however, that if the assessed value of the real property of the applicant which is intended to be served by the sewer main exceeds the amount which he would be required to advance under this section, then the applicant shall be permitted to make payment on the following terms: 25% of the amount in advance of construction and the balance payable in three equal annual installments, payable on the first, second and third anniversary dates of the initial payment. No interest shall be charged on said installment payments if made on or before the due dates, but interest shall be charged at the legal rate on all delinquent payments, and said delinquent payments shall constitute a lien on the property of the applicant served by the sewer main and shall be extended upon the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such delinquent payments.
  - (3) Additional customers and refunds.
    - (a) When additional customers are connected to the sewer main that was originally financed in part by a customer, the utility will require a contribution from each new customer equal to the existing average contribution of customers connected to said sewer main, which said contribution shall be paid in equal shares to the current owners of property, which said owners or their predecessors in title have previously made a contribution to the cost of the sewer main, including the new customer.
    - (b) No further refunds will be made to any customer when the refunds received by him have reduced his contribution to a point where it is equal to an amount equal to the ratio that his front footage on the sewer main bears to the total cost of construction of said sewer main.

- (4) Limit of extension. When an extension beyond an existing extension is required to serve a new customer and the cost for a customer exceeds the average remaining contribution in the original extension, then the new extension will be considered as an entirely new project, without refunds or other connection with the original extension.
- (5) Limit of refunds. The development period during which refunds shall be made will be limited to 20 years.
- (6) Size of mains. The Village of Ontario shall determine what size main should be laid in connection with any extension.

**§ 294-26. Septage discharges.**

- A. Septage shall only be discharged to the Village's sewerage system by Village-approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Village Board.
- B. Septage discharges to Village-specified manholes may, under special circumstances, be allowed, provided that discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the Utility and require written documentation of the discharge to be submitted to the Village within one working day of the discharge to the Village sewers or wastewater treatment facility.
- C. Septage discharges to the Village septage holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility. As with discharges to a manhole, documentation of the discharge shall be submitted to the Village within one working day of the discharge to the Village septage holding facility.
- D. Blanks for documentation of the discharge will be furnished at the office of Clerk-Treasurer and will include the following:
  - (1) Name, address and telephone number of the hauler.
  - (2) License number.
  - (3) Type of septage.
  - (4) Quantity of septage.
  - (5) Estimated quality of septage.
  - (6) Location, date, time and feed rate of discharge to the sewerage system.
  - (7) Source of septage.
  - (8) Name and address of septage generator.
  - (9) Other information.

**§ 294-27. Connection and lateral charges.**

The Village Board may at any time establish specific connection and lateral charges for any main not covered by any other provisions in this chapter or when the Village has made an extension and the Village has failed to provide lateral or connection charges. It is further provided that the Village Board may amend or alter any connection or lateral charge after its establishment under the terms of this chapter or previous ordinance or resolutions.

**ARTICLE III  
Use of Public Sewerage System**

**§ 294-28. Prohibitions and limitations on discharges.**

- A. No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer or to the wastewater treatment facility:
- (1) Any stormwater, surface water, groundwater, roof runoff 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.
  - (2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards or in any other way be injurious to persons, property, or the operation of the wastewater facilities.
  - (3) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.
  - (4) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater facility.
  - (5) Any waters or wastes having a pH in excess of 9.0.
  - (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities, such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (7) Any discharge into the sanitary sewerage system that is in violation of the requirements of the WPDES permit and the modifications thereof.
  - (8) Wastewater having a temperature higher than 150° F. or causing the wastewater at the treatment facility to exceed 104° F.

- (9) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease.
- (10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (11) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the Village for such materials.
- (12) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Village Board.
- (13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village Board in compliance with applicable state or federal regulations.
- (14) Quantities of flow, concentrations, or both which constitute a slug load as defined herein.
- (15) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (16) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (17) Materials which exert or cause:
  - (a) Unusually high BOD<sub>5</sub>, chemical oxygen demand or chlorine requirements, such as, but not limited to, when in such quantities as to constitute a significant load on the wastewater treatment facility. It shall be unlawful for any person to introduce sewage into the system which shows an excess of a BOD or suspended solids concentration of over 250 milligrams per liter (normal domestic sewage); a surcharge shall be based on the excess BOD or suspended solids at the rate as set by the Village Board.<sup>7</sup> The Village reserves the right to test the sewage at any point within the connection system of the user or consumer.<sup>8</sup>

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7. Editor's Note: See Ch. A390, Fees.

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (b) Unusual flow or concentrated wastes constituting a slug load as defined herein.
  - (c) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
  - (d) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- B. 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 Village bore or otherwise cause to leak any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying or distributing sewage.
- C. Users discharging toxic pollutants or prohibited substances enumerated in Subsection A above shall pay, in addition to the penalties assessed for violation of this chapter, the full cost of increased operation, maintenance and replacement caused by such discharge.

**§ 294-29. Approval required for septage disposal.**

No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within the Village without written approval of the Village Board.

**§ 294-30. Special agreements.**

No statement contained in this article shall be construed as prohibiting any special agreement between the Village Board and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facility by reason of the admission of such wastes and no extra costs are incurred by the Village without recompense by the person, provided that all rates and provisions set forth herein are complied with.

**§ 294-31. Permit required.**

It shall be unlawful to discharge to any natural waterway within the Village or in any area under the jurisdiction of the Village any sewage or other polluted waters without first obtaining a Wisconsin Pollutant Discharge Elimination System permit (WPDES permit).

**ARTICLE IV  
Sewer User Charge System**

**§ 294-32. Definitions; policy.**

- A. Definitions. The following terms shall have the following meanings under this article:

**DEBT SERVICE CHARGES** — Includes all costs associated with the repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.

**NORMAL DOMESTIC STRENGTH WASTEWATER** — Wastewater with concentrations of BOD<sub>5</sub> and suspended solids no greater than 200 and 250 milligrams per liter (mg/l), respectively.

**NORMAL USER** — A user whose contributions to the wastewater treatment facility consist only of normal domestic strength waste originating from a house, apartment, flat, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

**OPERATION AND MAINTENANCE COSTS** — Includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with extraneous (clear water) flows, shall be divided proportionately among the various sewer users according to their equivalent user factors.

**REPLACEMENT COSTS** — Includes all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the facility.

**SEWER SERVICE CHARGE** — A service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses, as well as the operation and maintenance costs, including replacement of said facilities.

- B. Policy. It shall be the policy of the Village to obtain sufficient revenues to pay the cost of the annual debt retirement payment on any bonded indebtedness, any required cash reserve account payment, and 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 article. The system shall assure that each user of the sewage works pays a proportionate share of the cost of such works. Any excess revenue collected from a user class for operation, maintenance, and replacement costs will be applied to that class for the following year.

**§ 294-33. Classification of users.**

- A. Classification. All sewer users shall be classified by the Village as:
- (1) Residential/commercial (domestic strength) customers; or
  - (2) Industrial customers.
- B. Basis for service charge. The minimum quarterly billing shall be sufficient to pay the billing- and customer-related administration expenses. A portion of the debt service may be budgeted by levying an ad valorem tax in accordance with state statutes. 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 method for determining the user charges is given in the user charge system. The Village Board shall provide the initial estimates of the number of users, costs, etc., to calculate the first year's user charges. The rates in this chapter shall be reviewed not less than biennially. Such review shall be performed by the Village Board. Rates shall be adjusted, as required, to reflect the actual number and size of users and the actual costs. Users will be notified annually of the portion of service charges attributable to operation and maintenance.

- C. Sewer service charges. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewer and wastewater facilities.

**§ 294-34. Determination of user charges.**

- A. User charges shall consist of:
- (1) A minimum quarterly billing, on the basis of water meter size; and
  - (2) A unit price per volume of water utilized.
- B. 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 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.
- C. Water meter readings shall be used to determine the actual water volume 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 own expense make necessary changes in the water piping and install couplings so that a meter can be set. A quarterly service charge, in accordance with current rates on file at the Clerk-Treasurer's office, shall be made.<sup>9</sup>
- D. The user charges, and this article, shall be reviewed not less than biennially. Such review shall be performed by the Village Board. User charges shall be adjusted, as required, to reflect actual volumes of water used and actual costs.

**§ 294-35. Calculation in absence of meter reading.**

Where it is not possible to obtain a water meter reading, the customer shall be assigned an average water volume by the Village, 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. Where no water meter exists, the Village shall require installation of a water meter on the source of the

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9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Original § 5-3-42(d) and (e), which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

water supply, whether public or private, except in the case of residential users only where the Village may, at its option, bill instead at a fixed rate established on the basis of 15,000 gallons per quarter water use until such time as a water meter may be installed by the user or required by the Village.

#### **§ 294-36. Sewer rates.<sup>10</sup>**

The current schedule of sewer rates is on file at the office of the Village Clerk-Treasurer. Bills for sewer service shall be rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A three-percent penalty will be added to those bills not paid on or before the 20th day after the due date of the bill. This penalty charge shall be applied to the total unpaid balance for Utility service, including unpaid penalty charges. The penalty charge is applicable to all customers. The Utility customer may be given a written notice that the bill is overdue no sooner than 20 days after the bill is issued. A charge as set by the Village Board will be made for processing checks that have been returned for insufficient funds.<sup>11</sup> Sewer service charges shall be a lien on the property served in accordance with § 66.0821, Wis. Stats. A failure to receive a bill shall not be an excuse for nonpayment.

#### **§ 294-37. Disposition of revenue.**

The amounts received from the collection of charges authorized by this chapter shall be credited to a sanitary sewerage account, which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Village Board, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the purview of 40 CFR 35.929 in said account shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Village Board may resolve to pledge each surplus or any part thereof for any such purpose. All present, outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.

#### **§ 294-38. Additional charges.**

Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the Village to equalize local capital costs. Such additional charges shall result in a minimum charge for each user according to the schedule for debt repayment from Utility revenues. Such additional charges shall be added to the sewer bill for each billing period.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

11. Editor's Note: See Ch. A390, Fees.



**§ 294-39. 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.

**§ 294-40. Damage recovery.**

The system shall have the right of recovery from all persons of any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under his control or by any negligent act.<sup>12</sup>

ARTICLE V  
**Industrial Wastes**

**§ 294-41. Submission of basic data.**

- A. Within three months after passage of this chapter, establishments discharging industrial wastes to a public sewer shall prepare and file with the Village Board a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Ch. NR 101, Wis. Adm. Code.
- B. Similarly, each establishment desiring to make a new connection to the public sewer for the purpose of discharging industrial wastes shall prepare and file with the Village Board a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

**§ 294-42. Extension of time.**

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by § 294-41, a request for an extension of time may be presented for consideration of the Village Board.

**§ 294-43. Restrictions on discharges.**

- A. If any waters, septage or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article III of this chapter and which in the judgment of the Village Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters or which otherwise create a hazard to life or health or constitute a public nuisance, the Village Board may:
  - (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable limit for discharge to the public sewers;

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12. Editor's Note: Original § 5-3-49, Deposit for sewer service to non-owners, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 294-11D.

- (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 294-30.
- B. The toxic pollutants subject to prohibition or regulation under this article shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307(a) and associated regulations.
- C. Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

**§ 294-44. Control manholes.**

- A. Each user 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 of his wastes, including domestic sewage.
- B. Control manholes or access facilities shall be located and built in a manner acceptable to the Village Board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Village Board.
- C. Control manholes, access facilities, and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it 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 Board prior to the beginning of construction.

**§ 294-45. Measurement of flow.**

The volume of flow used for computing the sewer service and the cost recovery charges for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Village Water Utility.

**§ 294-46. 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% 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.

**§ 294-47. Metering of waste.**

Devices for measuring the volume of waste discharged may be required by the Village Board if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Village Board. Following approval and installation, such meters may not be removed without the consent of the Village Board.

**§ 294-48. Waste sampling.**

- A. Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry or the licensed disposer as often as may be deemed necessary by the Village Board.
- B. Sampling shall be conducted 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 Board.
- C. Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste or septage and shall be subject to the approval of the Village Board. Access to sampling locations shall be granted to the Village Board or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

**§ 294-49. Analyses.**

- A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 Ch. NR 219, Wis. Adm. Code. Sampling methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the Village Board.
- B. Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the Village Board. The Village Board may also make its own analyses of the wastes, and these determinations shall be binding as a basis for charges.

**§ 294-50. Pretreatment.**

Where required, in the opinion of the Village Board, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers. If a person discharging the waste contests the determination, the Village Board may elect to have

an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the Village Board and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

**§ 294-51. Submission of information.**

Plans, specifications, and any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review of the Village Board prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

**§ 294-52. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided by the industrial discharger and shall be located so 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 Board. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

**ARTICLE VI  
Enforcement**

**§ 294-53. Damaging structures or equipment.**

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

**§ 294-54. Notice of violation.**

- A. Any person connected to the sewerage system found to be violating a provision of this chapter 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 a period of time stated in such notice, permanently cease all violations.
- B. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer found to be violating a provision of this chapter or of any conditions of the Village approval for septage disposal may have his or its approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

**§ 294-55. Accidental discharge.**

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a fine, pay the amount to cover damages, both values to be established by the Village Board.

**§ 294-56. Continued violations.<sup>13</sup>**

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, be subject to the general penalty in Chapter 1, § 1-3, of this Code, together with the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

**§ 294-57. Liability for loss or damage.**

Any person violating any provision of this chapter 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.<sup>14</sup>

**§ 294-58. Violations and penalties.**

Any person who shall violate any of the provisions of this chapter or rules or regulations of the Village; who shall connect a service pipe or discharge without first having obtained a permit therefor; 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 an amount as provided in Chapter 1, § 1-3, of this Code and the costs of prosecution. This section, however, shall not bar the Village from enforcing the connection duties set out in the provisions of this chapter for mandatory hookup.

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13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

14. Editor's Note: Original § 5-3-75, Damage recovery, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 294-40, Damage recovery.

**Chapter 300**  
**SMOKING AND TOBACCO PRODUCTS**

**ARTICLE I**  
**Smoking**

- § 300-1. Definitions.**
- § 300-2. Prohibited areas.**
- § 300-3. Exceptions.**
- § 300-4. Designation of smoking areas.**
- § 300-5. Responsibilities.**

- § 300-6. Violations and penalties.**
- § 300-7. Injunction.**

**ARTICLE II**  
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- § 300-8. License required.**
- § 300-9. Application for license.**
- § 300-10. Issuance and term of license.**

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

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**ARTICLE I**  
**Smoking**

**[Adopted 7-7-1986 as § 6-1-9 of the 1986 Code]**

**§ 300-1. Definitions.**

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

**EDUCATIONAL FACILITY** — Any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.

**INPATIENT HEALTH CARE FACILITY** — Has the meaning provided under § 50.135(1), Wis. Stats., except that it does include community-based residential facilities as defined under § 50.01(1g), Wis. Stats.

**OFFICE** — Any area that serves as a place of work at which the principal activities consist of professional, clerical or administrative services.

**PERSON IN CHARGE** — The person who ultimately controls, governs or directs the activities aboard a public conveyance or within a place where smoking is regulated under this article, regardless of the person's status as owner or lessee.

**PUBLIC CONVEYANCE** — Mass transit vehicles as defined by § 340.01(28m), Wis. Stats., and school buses as defined by § 340.01(56), Wis. Stats.

**RESTAURANT** — An establishment defined in § 254.61(5), Wis. Stats., with a seating capacity of more than 50 persons.

**RETAIL ESTABLISHMENT** — Any store or shop in which retail sales is the principal business conducted, except a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverage license and except bowling alleys.

**SMOKING** — Carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

**§ 300-2. Prohibited areas.**

A. Except as provided in § 300-3, no person may smoke in the following places:

- (1) Public conveyances.
- (2) Educational facilities.
- (3) Inpatient health care facilities.
- (4) Indoor movie theaters.
- (5) Offices.
- (6) Passenger elevators.
- (7) Restaurants.
- (8) Retail establishments.
- (9) Public waiting rooms.
- (10) Any enclosed, indoor area of a Village building.<sup>1</sup>

B. The prohibition in Subsection A above applies only to enclosed, indoor areas.

**§ 300-3. Exceptions.**

The regulation of smoking in § 300-2 does not apply to the following places:

- A. Areas designated smoking areas under § 300-4.
- B. Offices occupied exclusively by smokers.
- C. Entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.
- D. Restaurants holding a "Class B" intoxicating liquor or Class "B" fermented malt beverage license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than 50% of the restaurant's receipts.
- E. Offices that are privately owned and occupied.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. Any area of a facility used principally to manufacture or assemble goods, products or merchandise for sale.
- G. Prisons, secured correctional facilities, secure detention facilities, jails and lockup facilities.

**§ 300-4. Designation of smoking areas.**

- A. A person in charge or his or her agent may designate smoking areas in the places where smoking is regulated under § 300-2 unless a fire marshal, law, ordinance or resolution prohibits smoking. Entire rooms and buildings may be designated smoking areas.
- B. If an entire room is designated a smoking area, the person in charge or his or her agent shall post notice of the designation conspicuously on or near all entrances to the room normally used by the public. If an entire building is designated a smoking area, notice of the designation shall be posted on or near all entrances to the building normally used by the public, but posting notice of the designation on or near entrances to rooms within the building is not required.
- C. The person in charge or his or her agent shall utilize, if possible, existing physical barriers and ventilation systems when designating smoking areas. This subsection requires no new construction of physical barriers or ventilation systems in any building.
- D. This article requires the posting of signs only in areas where smoking is permitted.

**§ 300-5. Responsibilities.**

The person in charge or his or her agent shall:

- A. Post signs identifying designated smoking areas; and
- B. Arrange seating to accommodate nonsmokers if smoking areas are adjacent to nonsmoking areas.

**§ 300-6. Violations and penalties.**

- A. On and after April 1, 1985, any person in charge or his or her agent who willfully fails to comply with § 300-5 shall forfeit not more than \$25.
- B. Sections 101.02(13)(a) and 939.61(1), Wis. Stats., do not apply to this article.
- C. A violation of this article does not constitute negligence as a matter of law.

**§ 300-7. Injunction.<sup>2</sup>**

After July 1, 1985, Village officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this article.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).



## ARTICLE II

## Cigarettes

[Adopted 7-7-1986 as § 7-3-2 of the 1986 Code]

**§ 300-8. License required.**

No person, firm or corporation shall in any manner, directly or indirectly, upon any premises or by any device sell, exchange, barter, dispose of, or give away or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute therefor, without first obtaining a license as hereinafter provided.

**§ 300-9. Application for license. [Amended 1-11-1999]**

Every person, firm or corporation desiring a license under this article shall file with the Village Clerk-Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Village Clerk-Treasurer and shall name the licensee and the place wherein he is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Village Clerk-Treasurer a license fee as set by the Village Board.

**§ 300-10. Issuance and term of license. <sup>3</sup>**

Licenses for the sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Village Clerk-Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30, unless sooner revoked for any violation of this article.

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3. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

## Chapter 304

### SNOWMOBILES

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| § 304-1. State snowmobile laws adopted.                       | § 304-6. Snowmobile and other off-highway vehicle operation restricted. |
| § 304-2. State traffic regulations applicable to snowmobiles. | § 304-7. Restrictions on operators.                                     |
| § 304-3. Speed limit.   | § 304-8. Snowmobile routes and trails designated.                       |
| § 304-4. Unattended vehicles.                                 | § 304-9. Violations and penalties.                                      |
| § 304-5. Operation on sidewalks.                              | § 304-10. Enforcement.  |

[HISTORY: Adopted by the Village Board of the Village of Ontario 7-7-1986 as Title 8, Ch. 3 of the 1986 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Parks and recreation — See Ch. 263.  
Streets and sidewalks — See Ch. 309.

Vehicles and traffic — See Ch. 335.

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#### § 304-1. State snowmobile laws adopted.

Except as otherwise specifically provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions
- 350.02 Operation of snowmobiles on or in the vicinity of highways
- 350.03 Right-of-way
- 350.04 Snowmobiles races, derbies and routes
- 350.045 Public utility exemption
- 350.047 Local ordinance to be filed
- 350.05 Operation by youthful operators restricted
- 350.055 Safety certification program established
- 350.07 Driving animals
- 350.08 Owner permitting operation
- 350.09 Headlamps, tail lamps and brakes, etc.
- 350.10 Miscellaneous provisions for snowmobile operation
- 350.12 Registration of snowmobiles

- 350.125 Completion of application for registration by snowmobile dealers
- 350.13 Uniform trail signs and standards
- 350.15 Accidents and accident reports
- 350.17 Enforcement
- 350.18 Local ordinances
- 350.19 Liability of landowners
- 350.99 Parties to a violation

**§ 304-2. State traffic regulations applicable to snowmobiles.**

No person shall operate a snowmobile upon any street, highway or alley within the Village of Ontario in violation of the traffic regulation provisions of §§ 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.

**§ 304-3. Speed limit.**

No person shall operate a snowmobile upon any public highway within the Village at a speed in excess of 20 miles per hour, except that the speed limit shall be 15 miles per hour in school zones. No person shall operate a snowmobile on any trail designated in § 304-8 of this chapter or in any public park or recreation area at a speed in excess of the posted limit.

**§ 304-4. Unattended vehicles.**

No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

**§ 304-5. Operation on sidewalks.**

No person shall operate a snowmobile upon any sidewalk or pedestrianway or the area between the sidewalk and the curbline of any street in the Village, except as specifically authorized by § 304-8 or for the purpose of crossing to obtain immediate access to an authorized area of operation.

**§ 304-6. Snowmobile and other off-highway vehicle operation restricted.**

- A. Operation on private property. It shall be unlawful to operate any snowmobile or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, parking lots or any public lands or private lands or parking lots held open to the public. The operator shall at all times have the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by him.

- B. Permitting operation by improper persons prohibited. No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under state law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- C. Operation while under influence prohibited. Section 346.63, Wis. Stats., shall apply to the operation of a snowmobile any place within the Village.
- D. Operation in parks. No person shall drive a snowmobile in any park within the Village, except upon designated snowmobile trails as shall be designated by the Village Board.

**§ 304-7. Restrictions on operators.**

- A. No person under the age of 12 years may operate a snowmobile. No person over the age of 12 years but under the age of 16 years may operate a snowmobile unless he holds a valid snowmobile safety certificate or is accompanied by a person over 18 years of age or by a person over 14 years of age having a snowmobile safety certificate issued by the Department of Natural Resources.
- B. No person shall operate any snowmobile upon any street, alley or other public right-of-way in the Village, unless such person shall have a valid motor vehicle operator's license or unless such operator is accompanied by a person who has a valid motor vehicle operator's license and who is occupying a seat on the vehicle.

**§ 304-8. Snowmobile routes and trails designated.**

- A. Routes designated. Except as provided in §§ 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with § 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right-of-way, in any public park or on any other public municipal property in the Village except upon snowmobile routes and trails designated by the Village Board. Official snowmobile trails and routes shall be designated by resolution by the Village Board and be kept on file with the Village Clerk-Treasurer.
- B. Declaring trails closed. The Village law enforcement officers shall have the power to declare the stated snowmobile routes and trails either open or closed.
- C. Markers to be obeyed. No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this section.

**§ 304-9. Violations and penalties.<sup>1</sup>**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, § 1-3 of this Code, provided that no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Chapter 335, Vehicles and Traffic, of this Code.

**§ 304-10. Enforcement.**

- A. Uniform citation for highway violations. The uniform traffic citation promulgated under § 345.11, Wis. Stats., shall be used for violations of this chapter relating to highway use, except as herein provided.
- B. Parking violations. The special traffic citation described and defined in Chapter 335, Vehicles and Traffic, in this Code shall be used for enforcement of violations of rules of the road relating to the parking of vehicles adopted by reference in § 304-1 of this chapter.
- C. Other violations. All violations of this chapter not described in Subsections A or B shall be enforced in accordance with §§ 66.0111 and 66.0114, Wis. Stats. Stipulations of guilt or no contest may be made as provided in § 66.0114(1)(b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Bail deposits may also be made under § 66.0114, Wis. Stats.<sup>2</sup>
- D. Police Department to receive stipulations and penalties. Stipulations, forfeited penalties and deposits for obtaining release from arrest authorized under this chapter may be accepted by the Chief of Police or officer designated by him. The officer authorized to accept penalties and deposits shall be bonded, and such bond shall be filed with the Village Clerk-Treasurer.
- E. Forfeited penalties and deposits. Except as otherwise provided in § 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required forfeited penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the Village Board.

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).