

STATE OF WISCONSIN

TOWN OF WATERFORD
SANITARY DISTRICT NO. 1

RACINE COUNTY

ORDINANCE NO. 11-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR
THE TOWN OF WATERFORD SANITARY DISTRICT NO. 1
TO RECLASSIFY USERS SERVED BY MUNICIPAL-OWNED GRINDER PUMPS

WHEREAS, for historical reasons, the ownership of grinder pumps to access pressurized sewer service in the Town of Waterford Sanitary District No. 1 (the “District”) sewerage area is not uniform; currently there are a total of 1,925 houses being served by sewer, many are gravity not requiring a grinder pump, but of those requiring a grinder pump, 302 are owned by the District, and approximately 500-600 are privately-owned grinder pumps; and

WHEREAS, the District is obligated to ensure that its charges for services are equitable, pursuant to Wisconsin Statutes Section 66.0821(4)(b) and other laws; and

WHEREAS, the District incurs substantial costs to own and operate its grinder pumps; in 2008 the total cost to do so was \$25,259; in 2009 the total cost to do so was \$26,375; in 2010 its cost to do so was \$47,003; and in 2011 the cost is estimated to be \$49,949; and

WHEREAS, at present all sewer users within the District are forced to share the cost of the municipal-owned grinder pumps which serve only those particular residences connected by those grinder pumps to the pressure sewer system; and at the same time, hundreds of users are required to own, operate and maintain grinder pumps at their own expense, in addition to subsidizing this expense for others; and

WHEREAS, the District finds this disparate treatment of users with respect to grinder pumps to be inequitable and hereby intends to address this concern; and

WHEREAS, the District Commission hereby intends to establish a new class of users which will include only those users that are served by grinder pumps that are owned by the District, and thereby allow for sewer charges to be more equitably distributed among the users of the system; and

WHEREAS, the District Commission also intends to allow those members of the new class of users, who are served by District-owned grinder pumps, to remove themselves from this new class by purchasing and assuming all ownership rights and obligations concerning the grinder pumps that serve their property, if they would choose to do so.

NOW THEREFORE, the District Commission of the Town of Waterford Sanitary District No. 1, Racine County, Wisconsin, DOES HEREBY ORDAIN as follows:

SECTION 1: Title 3 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled "Sewer Use," Section 8.01.1 entitled "Grinder Pumps," is hereby repealed and recreated as follows:

Section 801.1 GRINDER PUMPS. Grinder pumps are required where only pressure sewer service is available or where lands are too low to be served by an existing gravity sewer. Grinder pumps which are intended to provide service to any new buildings started after July 1, 1987 shall be purchased, installed, owned and maintained privately by the property owner. If a building that is connected to Municipally owned grinder pump is altered or used in such a manner so as to increase the Residential Equivalent Connection (REC) for the property, a separate grinder pump shall be purchased, installed, owned and maintained by the property owner for any REC's in excess of the REC's used to determine the original assessment levied on August 11, 1987. In general one pump shall be required for each newly connected service or increase in REC's. Privately owned grinder pumps may be installed in basements or in other locations at the owners' discretion. Operating costs will be paid by the Municipality for only those Municipally owned pumps installed with the initial system, subject to the costs and charges described in Title 4 of this Code. Access to Municipally owned pumps and controls shall be by easement. It is recommended that the property owner having the lowest fixture outlets on shared Municipally owned installations install a backflow prevention device. Those property owners served by Municipally owned grinder pumps shall have the option to purchase and assume all ownership rights and responsibilities regarding such Municipally owned

grinder pumps, at their option, provided the transfer is made in a form approved by the Municipality.

SECTION 2: Title 4 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled “Sewer Charges,” Section 103 entitled “Category A,” is hereby repealed and recreated as follows:

Section 103. CATEGORY A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 270mg/1, suspended solids no greater than 300 mg/1, and phosphorus no greater than 10 mg/1, and which is not served by a Municipally owned grinder pump.

SECTION 3: Title 4 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled “Sewer Charges,” Section 104.5 entitled “Category C,” is hereby created as follows:

Section 104.5. CATEGORY C shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 270mg/1, suspended solids no greater than 300 mg/1, and phosphorus no greater than 10 mg/1, and which are served by a Municipally owned grinder pump.

SECTION 4: Title 4 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled “Sewer Charges,” Article I entitled “Definitions,” Section 125 entitled “User Classifications,” subsection (d) entitled “Residential User,” is hereby repealed and recreated as follows:

(d) RESIDENTIAL USER shall mean each single family unit in a building or structure containing no more than two such living units, or each single family unit in a residential condominium. Residential users are divided into two classifications, one classification of which is served by Municipally owned grinder pumps, and the other classification of which is not.

SECTION 5: Title 4 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled “Sewer Charges,” Article III entitled “Basis for Sewer Service Charge,” Section 302.5 entitled “Category C Users,” is hereby created as follows:

Section 302.5. **CATEGORY C USERS** shall be assessed a monthly sewer service charge based on the user’s UCE rating. A user’s UCE rating shall be established by the WSD Commission according to the procedure outlined in Section 303. Also included in charges to Category C users shall be an amount established on an annual basis that is designed to recover the maintenance, repair and replacement costs that the WSD Commission incurs with regard to the Municipally owned grinder pumps. This amount shall be determined by an average of the three prior year costs incurred for this purpose, with this average being allocated to Category C users on a pro rata basis. Category C users can be removed from the Category C classification by acquiring the Municipally owned grinder pump that serves their property, in a form and manner approved by the WSD Commission, and the applicable charges as a result of such change shall take effect January 1 of the following year.

SECTION 6: Title 4 of the Town of Waterford Sanitary District No. 1 Code of Ordinances entitled “Sewer Charges,” Article IV entitled “Amount of Sewer Service Charges,” Section 402.5 entitled “Category C Sewer Service Charge,” is hereby created as follows:

Section 402.5. **CATEGORY C SEWER SERVICE CHARGE**. Except as provided for in Section 305 hereof, each Category C user is hereby assessed a sewer service charge for each UCE, for each calendar month at a rate determined by resolution. In addition, each Category C user is hereby assessed a sewer service charge for each UCE, for each calendar month. The WSD Commission reserves the right to adjust said monthly charge at any time by resolution, to reflect changes in Required Costs and/or Optional Costs. Also included in charges to Category C users shall be an amount established on an annual basis that is designed to recover the maintenance, repair and replacement costs that the WSD Commission incurs with regard to the Municipally owned grinder pumps. This amount shall be determined by an average of the three prior year costs incurred for this purpose, with this average being allocated to Category C users on a pro rata basis. Category C users can be removed from the Category C classification by acquiring the Municipally owned grinder pump that serves their property, in a form and manner approved by the WSD Commission, and the applicable charges as a result of such change shall take effect January 1 of the following year.

SECTION 7: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 8: EFFECTIVE DATE.

This ordinance shall be effective on January 1, 2012, upon publication or posting as provided by law.

Dated this 9th day November of 2011.

TOWN OF WATERFORD
SANITARY DISTRICT NO. 1

Bill Gerard, Commissioner

Jeffrey Santaga, Commissioner

Donna Block, Commissioner

ATTEST:

Debbie Nelson, District Administrator

This ordinance posted or published _____.

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