

## ORDINANCE #20-101

### ORDINANCES OF THE MADELINE SANITARY DISTRICT

Pursuant to § 60.77(5m) Wisconsin Statutes, the Madeline Sanitary District (situated on Madeline Island in the Town of La Pointe, Ashland County, Wisconsin), hereby ordains as follows:

#### SECTION 1

##### MADELINE SANITARY DISTRICT

**A. Commission.** The Madeline Sanitary District Commission has charge of all affairs of the Madeline Sanitary District.

**B. Corporate Status.** The Madeline Sanitary District is a body corporate with the powers of a municipal corporation for the purpose of carrying out Subchapter IX of Chapter 60, Wisconsin Statutes. The District may sue and be sued and may enter into contracts. The Commission may provide for a corporate seal of the Sanitary District.

**C. Election of Officers.** The Commission shall organize by electing one of its members President and appointing a Secretary and Treasurer.

**D. Compensation; Expenses.** The Town Board of the Town of La Pointe may fix the compensation of the Commissioners, the Secretary, and the Treasurer. The Commissioners and the Secretary and Treasurer of the Commission may receive actual and necessary expenses incurred while in the performance of the duties of the office in addition to any other compensation.

**E. Secretary.** The Secretary of the Madeline Sanitary District shall keep a separate record of all proceedings and minutes of meetings and hearings. At the end of each fiscal year, the Secretary shall submit to the Town Board of the Town of La Pointe a report showing a complete audit of the financial transactions of the Commission during the fiscal year. The report shall be incorporated in the annual financial statement of the Town of La Pointe.

**F. Treasurer.** The Madeline Sanitary District Treasurer shall keep and maintain the financial records of the Madeline Sanitary District. The Commission may require the Treasurer to execute an indemnity bond, provided by the District, in an amount that the Commission finds appropriate for the proper performance of the Treasurer's duties.

**G. Fiscal Year.** The Madeline Sanitary District's fiscal year is the calendar year.

**H. General Powers and Duties.** The Commission may project, plan, construct and maintain a water, solid waste collection and sewage system, including drainage

improvements, sanitary sewers, surface sewers, or storm water sewers, or all the improvements or activities or any combination of them, necessary for the promotion of the public health, comfort, convenience or welfare of the Madeline Sanitary District. The Commission may provide chemical or mechanical treatment of waters for the suppression of swimmer's itch, algae, and other nuisance-producing aquatic growths.

**I. Specific Powers.** The Commission of the Madeline Sanitary District may:

1. Sell any of its services to users outside of its corporate limits.
2. Require the installation of private sewage systems.
3. Require the inspection of private sewage systems that have already been installed to determine compliance with the State plumbing code and may report violations of the State plumbing code to the governmental unit responsible for the regulation of private sewage systems for the enforcement under §145.20, Wisconsin Statutes.
4. Provide direct financial assistance for costs related to the replacement of private sewage systems as defined in §145.01(12), Wisconsin Statutes, that are failing.
5. Issue rules or orders, which shall be published as a Class 1 notice under Chapter 985, Wisconsin Statutes.
6. Provide an office for the District.
7. Fix and collect charges for solid waste collection and disposal, sewage system and water service. The Commission may fix and collect sewage services charges under §66.0821, Wisconsin Statutes, and water service charges under § 66.0809, Wisconsin Statutes.
8. Except as provided in §66.0721, Wisconsin Statutes, levy special assessments to finance the activities of the Madeline Sanitary District, using the procedures under §66.0703, Wisconsin Statutes.
9. Provide for the operation as a single enterprise of its water, solid waste or sewage system, or any part or combination of parts of the same.
10. Lease or acquire, including by condemnation, any real property situated in the State of Wisconsin and any personal property that may be needed for the purposes of Subchapter IX of Chapter 60, Wisconsin Statutes.
11. Sell, convey or dispose of any part of its interest in real or personal property which it has acquired that is not needed to carry out the powers and duties of the Commission.
12. Administer the private sewage system program if authorized under §145.20(1)(a) and (1)(am) Wisconsin Statutes.

13. Gather at the site of a public works project that has been approved by the Commission for the sole purpose of inspecting the work that has been completed or that is in progress if, before gathering at the site, the President of the Commission or the President's designee, notifies by telephone or facsimile transmission those news media who have filed a written request for notice of such inspections in relation to that project, and if the President of the Commission or the President's designee submits at the next Commission meeting a report that describes the inspection. The Commission may not take any official action at the inspection site.

14. Enact and enforce ordinances to implement the powers listed under §60.77(5), Wisconsin Statutes. The ordinances shall be published either in their entirety as a Class 1 notice under Chapter 985, Wisconsin Statutes, or in notice form, as outlined in §60.77(5s)(b).

**J. Specific Duties.** The Madeline Sanitary District shall:

1. Let contracts for any work or purchase that involves an expenditure of \$25,000.00 or more to the lowest responsible bidder in the manner prescribed by the Commission. Section 66.0901, Wisconsin Statutes, applies to contracts let under this provision.

2. On or before November 1 of each year, levy a tax on all taxable property in the District, for the purpose of carrying out the provisions of this subchapter. The amount of the tax in excess of that required for maintenance and operation of the District and for principal and interest on bonds or promissory notes may not exceed, in any one year, one (1) mil on each dollar of the equalized full value of all taxable property in the District. The Commission shall certify in writing to the Clerk of the Town of La Pointe the total amount of tax levied in the municipality.

3. Interest in Contracts, Penalty. No Commissioner may have an interest, directly or indirectly, in a contract with, work or labor done for, or material furnished to the Madeline Sanitary District or to anyone on the District's behalf, unless the interest is in a contract not exceeding \$1,000.00 in any one year or in the publication of required legal notices by the District or a Commissioner if the publication rate does not exceed the rate prescribed by law. A Commissioner who violates this provision shall forfeit not less than \$50.00 or more than \$500.00.

**K. Powers to Borrow Money and Issue Municipal Obligations.** The Madeline Sanitary District may, under §66.0621, and §66.0713, and Chapter 67, Wisconsin Statutes, borrow money and issue and execute municipal obligations, as defined under §67.01(6), Wisconsin Statutes.

## SECTION 2

### APPLICABILITY; PENALTIES

**A. User Rules and Regulations.** The rules, regulations and sewer rates of the Madeline Sanitary District, which are set forth herein and which are hereinafter adopted, apply to and are a part of the contract with each person or entity connected with the sewer system of the Madeline Sanitary District, and each such person or entity by connecting with the sewer system shall be considered as expressing his, her or its consent to be bound thereby. The provisions of this ordinance apply to all premises and to all who own an interest in any premises situated in the Madeline Sanitary District. Whenever any of said rules, regulations, or such others as the said Madeline Sanitary District Commissioners may hereafter adopt are violated, the users shall be required to correct such violation within ten (10) days after receiving written notice of violation from the Madeline Sanitary District.

**B. Violations and Penalties.** Except as otherwise provided herein, any person who violates any provision of this Ordinance or any rule, regulation or order of the Madeline Sanitary District shall, upon conviction therefore, be ordered to forfeit not less than \$100.00 nor more than \$1,000.00 plus court costs, any applicable assessments and the actual cost of prosecution. Each day on which any violation occurs or continues to exist constitutes a separate and distinct prosecutable violation. In addition to the penalty stated above, a violator of any applicable rule, regulation, law or order shall be required to reimburse the Madeline Sanitary District for any expense, loss, or cost it incurs or sustains as a result of such violation. Further, the Commissioners of the Madeline Sanitary District, may, if they see fit, declare any payment made for the sewer service 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 Commissioners to change and amend any of the said rules, regulations and sewer rates and charges from time to time as they deem advisable and to make special rates and contracts in proper cases.

## SECTION 3

### GENERAL REGULATIONS

#### **A. Plumbers.**

1. Each plumber, pipe fitter and other person who performs or engages in any plumbing, pipefitting or other work or activity on any pipe, line, manhole, fixture, accessory or apparatus which connects, directly or indirectly, with the Madeline Sanitary District sewage system shall be liable and responsible to the Madeline Sanitary District for any loss, damage, cost or expense the Madeline Sanitary District suffers or incurs which was caused in whole or in part by such work or activity.

2. Each plumber, pipe fitter, and other person who performs or engages in any plumbing, pipefitting or other work or activity on any pipe, line, manhole, fixture, accessory or apparatus which connects, directly or indirectly, with the Madeline Sanitary District sewage system, shall obtain a permit from the Madeline Sanitary District to perform or engage in such work or activity prior to beginning to perform the same. Before being issued such a permit by the Madeline Sanitary District, the plumber, pipe fitter or other person shall have on file in the Madeline Sanitary District office each of the following:

- a. Written proof that such person holds the license which is necessary for that person to have to engage in the activities that person intends to engage in.
- b. A properly executed indemnification/payment agreement in the form most recently approved by the Madeline Sanitary District Commission.
- c. The appropriate bond as determined by the Madeline Sanitary District, in the amount and of the type required by the Madeline Sanitary District for the work being performed. The bond must be issued by a reputable bonding or insurance company licensed to do business in the State of Wisconsin. The Sanitary District may require written evidence as to the amount of the project.
- d. A certificate of insurance, or a certificate of insurance with a notice of renewal of such certificate of insurance, from a reputable insurance company licensed to do business in the State of Wisconsin certifying that the applicant has in full force and effect:
  - i. A policy of comprehensive general liability insurance with a limit of at least one million dollars (\$1,000,000.00) per occurrence, and
  - ii. Workers compensation insurance coverage for any person involved in the activity.
- e. Evidence satisfactory to the Madeline Sanitary District that arrangements have been made with the insurance company and the bonding company to notify the Madeline Sanitary District in the event the aforesaid insurance coverage or bond is terminated or modified.

3. Each plumber, pipe fitter and other person who performs or engages in any plumbing, pipefitting or other work or activity on any pipe, line, manhole, fixture, accessory or apparatus which connects, directly or indirectly, with the Madeline Sanitary District sewage system shall be personally liable and responsible for assuring that all such work and activity is performed in strict conformity with the requirements, duties, responsibilities and obligations imposed by this ordinance as well as any other applicable

law, rule, regulation, ordinance and order.

4. Each plumber, pipe fitter and other person who performs or engages in any plumbing, pipefitting or other work or activity on any pipe, line, manhole, fixture, accessory or apparatus which connects, directly or indirectly, with the Madeline Sanitary District sewage system shall be personally liable and responsible for seeing that any street, highway, sidewalk or pavement disturbed by or in connection with such work or activity is made good by him or her as soon as is reasonably possible so as to leave the same in as good a state and condition as he or she found them and will keep and maintain the same in good order and condition to the satisfaction of the Commissioners for the period of five (5) years thereafter. In the event any plumber, pipefitter or other person shall fail to leave the work site in as good a condition as described herein, the Madeline Sanitary District may cause the same to be corrected, and the plumber, pipefitter or other person responsible therefore shall be responsible and liable for paying for the reasonable costs and expenses incurred in correcting the same.

5. After receiving a proper signed permit from the Madeline Sanitary District, it shall be the duty and responsibility of such licensed plumber or pipe fitter, to give 48-hours written notice to the District before starting any extension, connection or attachment which connects, directly or indirectly, with the Madeline Sanitary District sewage system.

6. **Usability.** Sewer service shall be considered available when pressurized water is in the unit of service and at least one plumbing fixture is set. It is the duty of the applicant to notify the Sanitary District of the date pressurized water service is available to the applicant's unit, thereby making sewer service available to the unit of service.

## **B. Users.**

**1. Application for Service.** Each person or entity connecting with the sewer system shall file an application in writing directed to the Commissioners, in such form as the Madeline Sanitary District Commission prescribes for that purpose.

- a. Application blanks will be available at the office of the Commissioners.
- b. The application shall specifically and accurately set forth each and every use the applicant is applying for. An applicant is allowed only those specific uses which are set forth in an approved application. An applicant shall make a full statement in writing to the Madeline Sanitary District naming the ordinary and special uses for which the sewer service will be provided, together with a description of all the materials and special treatment that may be called for.

If an applicant seeks a use or uses beyond those specifically set forth in an approved application, the applicant must reapply for the additional uses and such reapplication must be granted by the Commissioners before the applicant has consent for such additional uses.

c. The application must provide a complete, correct, and accurate legal description of the property to be served. 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 Madeline Sanitary District are herein referred to as "Users".

d. An application for disposal of industrial waste shall include:

- (1) estimated volume of waste
- (2) variations in the rate of discharge
- (3) characteristics of waste, and
- (4) strength of waste.

e. If it appears that the service applied for will not provide adequate service for the contemplated use, the Commissioners may reject the application. If the Commissioners approve the application in whole or in part, the Sanitary District will issue a permit for those services which were applied for and approved. Such permit is effective for two (2) years from the date of issuance. The bond and any required licenses shall remain in full force and effect during any periods of construction.

f. No permits of any kind that are issued by the Sanitary District will be issued if any money is owed to the Sanitary District by the applicant. Applicant includes the owner of the property, whether it is an individual or a corporation, partnership or other entity.

**2. Tap Permits.** After the sewer connections have been introduced into any building or upon any premises, no plumber shall make any tap or connection with the pipes upon such premises, for alterations, extensions, or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the Sanitary District Commissioners. Upon completion the plumber shall submit a sketch/"as built" showing where the tap was made including up to the structure and distances from lot lines, roadways, buildings and other monuments.

**3. Consumer to Keep in Good Repair.** All consumers shall keep their own service pipes in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary waste of water and the overburdening of the sewer system. All expenses relating to the introduction of the sewer into the buildings or private premises, and connection with the sewer system shall be paid for by the applicant. No charge, however, shall be made for the services of the Superintendent in directing where and in what manner the mains shall be tapped, and excavations made in the street for laying pipe.

**4. Grinder Pumps.** The Madeline Sanitary District is not responsible for installing, removing or maintaining grinder pumps.

**5. User Use Only.** No user shall allow other persons or entities or other services to connect to the sewer system through the user's lateral.

**6. User to Permit Inspection.** Each user shall permit the Commissioners, or their duly authorized agent, at all reasonable hours of the day, to enter in and upon their premises and any structure thereon to examine the pipes and fixtures and the manner in which the drains and sewer connections operate; and they must at all times, fully, accurately and without concealment, answer all questions put to them by the Madeline Sanitary District and its employees, officers and agents relative to its use.

**7. District Responsibility.** No claim shall be made or asserted against the Madeline Sanitary District or its Commissioners by reason of the breaking, clogging, stoppage, or freezing of any service pipe. Whenever the Madeline Sanitary District determines it is necessary to shut off the sewer service within any portion, section or area affected of the said Madeline Sanitary District, the Commissioners will, if practicable, give notice to each user within the portion, section or area affected of the time when such service will be shut off.

### **C. Excavations.**

1. Prior to excavating on any public street, highway or sidewalk in the Madeline Sanitary District, the person or entity desiring to perform such excavation shall have on file in the Madeline Sanitary District office each of the following:

- a. Written proof that such person holds the license, if any, which is necessary for that person to have to engage in the activities that person intends to engage in.
- b. A properly executed indemnification/payment agreement in the form most recently approved by the Madeline Sanitary District Commission.
- c. The appropriate bond as determined by the Madeline Sanitary District, in the amount and of the type required by the Madeline Sanitary District for the work being performed. The bond must be issued by a reputable bonding or insurance company licensed to do business in the State of Wisconsin. The Sanitary District may require written evidence as to the amount of the project.
- d. A certificate of insurance, or a certificate of insurance with a notice of renewal of such certificate of insurance, from a reputable insurance company licensed to do business in the State of Wisconsin certifying that the applicant has in full force and effect:
  - iii. A policy of comprehensive general liability insurance with a limit of at least one million dollars (\$1,000,000.00) per occurrence, and
  - iv. Workers compensation insurance coverage for any person involved



in the activity.

- e. Evidence satisfactory to the Madeline Sanitary District that arrangements have been made with the insurance company and the bonding company to notify the Madeline Sanitary District in the event the aforesaid insurance coverage or bond is terminated or modified.
2. In making excavations in streets or highways for laying service pipe or making repairs, the planks, paving stones, earth and material removed shall be deposited in a manner that will occasion the least inconvenience to the public and provide for the passage of water along the gutters.
  3. No person shall commence excavations on a public roadway or sidewalk without first giving the Madeline Sanitary District Superintendent forty-eight (48) hours notice. Like notice shall be given to the Town of La Pointe Police Department and to the Board of Supervisors of the Town of La Pointe.
  4. No person shall leave any excavation made in any street or highway open at any time without barricades. During the night, suitable and sufficient warning lights shall be maintained at all such excavations.
  5. In refilling the opening, after the service pipes are laid, the earth shall be laid in layers of not more than six (6) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, ballast and paving, shall be done so as to make the street at least as good as before it was disturbed. All such refilling shall be performed in a manner satisfactory to the Commissioners. Native soil is preferred backfill material.

#### **D. Tapping the Mains.**

1. No persons, except those having special permission from the Commissioners, or persons in their service and approved by them, shall be permitted, under any circumstances, to tap the collection pipes, which connect, directly or indirectly, with the Madeline Sanitary District sewage system.
2. Anyone tapping on to the collection mains, which connect, directly or indirectly, with the Madeline Sanitary District sewage system shall submit plans designating the kinds and sizes of pipes being used, and the cost of project upon completion.
3. Such pipes should always be tapped on the top quadrant and not within six inches of the joint, or within 24 inches of another lateral connection.

## **E. Sewer Service Rates.**

### **1. Residential and Small Commercial Service.**

a. **Availability.** Residential and Small Commercial Service is available to residential and small commercial sewer customers; and also to industrial customers discharging domestic sewage only.

b. **Unit of Service Definition.** A unit of service shall consist of a residential or small commercial aggregation of space or area occupied for a distinct purpose, such as a residence, apartment, flat, store or office when it is equipped with one or more fixtures which provide or render sewer service, separate and distinct from other users. Each unit of service shall be regarded as one user and the surcharge for additional users assessed accordingly.

When a user's premises has several buildings, each supplied with service, as that term is defined in the unit of service definition set forth in this ordinance, the full service charge will be billed for each separate service.

If a guest house, annex, bunkhouse, garage apartment, or other unattached structure is used in conjunction with and as part of the main residence and is not being used, leased or rented independently from the main residence, there will be no additional charge unless the total Water Supply Fixture Units (WSFU) for all buildings exceeds the number of WSFU's used to determine a single unit of service.

#### **c. Rates.**

(1) Minimum charge each quarter. Each unit of service shall be charged one rate which shall be determined each year at the annual budget meeting.

(2) A minimum charge for treatment of industrial waste is to be set by individual contract.

(3) An annual charge for holding tank dumping privileges.

(4) A per use charge for septic tank and pit waste dumping privileges.

(5) An annual or per use charge for satellite/portapotty dumping privileges.

**2. Billing Rules.** Bills for sewer service are issued and sent quarterly and become due and payable on the first day of the month following the period for which service is provided. A penalty, not to exceed the maximum rate permitted by State law, will be added to bills not paid within 15 days from date of billing. If a bill is not paid within twenty (20) days, the user will be given written notice that the bill is delinquent

and unless payment or satisfactory arrangement for payment is made within the next five days, service will be discontinued without further notice. A charge as set by the Sanitary District Commission will be collected in advance for restoring service after service has been discontinued due to non-payment.

**3. Standby Sewer Service.** Each improved lot or equivalent parcel of land shall pay a charge for sewerage facilities available but not used. Such standby charge shall be as set by the current Fee Schedule. Standby service will be billed quarterly. The period allowed for payment without penalty and the penalty for late payment shall be the same as for Residential and Small Commercial Service.

## **F. Rules and Regulations.**

### **1. Definitions.**

a. "Sewage", when used herein, shall mean and refer to the water-carried waste created in and to be conducted away from residences, industrial and commercial premises, public buildings, and other structures and premises with such surface or drain water as may be present.

b. "Industrial waste", when used herein, shall mean and refer to those particular liquid or other wastes resulting from any process of industry, manufacture, trade or business of the development of any natural resource.

c. "Sewage system", when used herein, shall include all street laterals, main and intercepting sewers and structures by which sewage or industrial waste is collected, transported, treated or disposed of. It does not include plumbing, inside or in connection with, buildings served, or service sewers from a building to the street lateral.

d. "Building drain", when used herein, shall mean and refer to the horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level, from which fixtures can drain by gravity to the building's sewer.

e. "Building sub-drain", when used herein, shall mean and refer to the horizontal portion of a drain system which does not flow by gravity to the building sewer.

f. "Building sewer", when used herein, shall mean and refer to that part of the drain system not within or under a building which conveys its discharge to a public sewer, private interceptor main sewer, private sewage system or other point of disposal.

g. "Improved lot", when used herein, shall mean and refer to a parcel of land with a lateral extending into the property line.

### **2. Use of the Sewage System.**

a. **Industrial wastes.** Whenever the Superintendent of the Sanitary District shall determine that any lot, parcel or land, buildings or premises is discharging industrial

wastes of unusual volume, concentration or character, or of greatly variable volume, concentration or character, the Superintendent shall recommend the adoption of a special rate for such, taking into consideration the volume, biochemical-oxygen-demand value, and suspended solids content of the industrial wastes and the nature of the use made of the sewer system; but nothing herein contained shall affect any of such rates as heretofore might have been established unless and until changed by action of the Sanitary District.

b. **Injurious discharge.** If a user of the sewage system discharges any substance therein which is deemed injurious by the Superintendent to the operation of the sewage system, such user shall be required to discontinue the discharge of such substance in the sewer system. If, after five days' notice in writing, such user continues to discharge such injurious substance into the sewer system, such user shall be subject to a forfeiture of not less than \$100.00 nor more than \$1,000.00 together with court costs, applicable assessments and the actual costs of prosecution. Each day in which any violation continues to exist after the effective date of the notice to discontinue such discharge, shall be deemed a separate and distinct, prosecutable violation. Such user shall be subject to a forfeiture as provided in Section 2.

c. **Card for user.** It will be the responsibility of the Superintendent to give each user a card containing the restrictions on the use of the sewage system.

d. **Restrictions.** The following are restrictions with respect to domestic and commercial wastes to be discharged into the sewer:

(1) No user shall discharge or cause to be discharged to the sanitary sewer any storm water, surface water, ground water, roof run-off or surface drainage.

(2) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

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

(b) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage works.

(c) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals, or create any hazard in the receiving treatment facility.

(d) Any waters or wastes containing suspended solids of such

character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(e) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(f) Any garbage that has not been properly shredded.

(g) Any liquid or vapor having a temperature higher than 150°F.

(h) Any water or waste which may contain more than 100 parts per million by weight of fat, oil, or grease.

(i) Any waters or wastes having pH lower than 5.5 or higher than 9.0, having any corrosive property capable of causing damage or hazard to structure, equipment, and personnel of the sewage works.

**e. Special Treatment or Practices.**

(1) Grease, oil and sand interceptors shall be provided when, in the opinion of the Madeline Sanitary District or the Department of Commerce, Safety and Buildings (Division of Plumbing), they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity required by the Madeline Sanitary District or the Department of Commerce, and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.

(3) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his, her or its expense, in continuously efficient operation at all times.

**3. Preliminary Treatment Facilities.**

a. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his, her or its expense.

b. When manholes are required by the District, the owner of any property serviced by a building sewer carrying domestic, commercial or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly

and safely located, and shall be constructed in accordance with plans approved by the Superintendent and the District's engineers. The manhole shall be installed by the owner at his, her or its expense, and shall be maintained by them so as to be safe and accessible at all times.

c. If the applicant seeks to hook onto or extend a privately owned sewer line, a signed, notarized letter from each owner, such as is called for in Section 5(B)(17) of this ordinance, is required.

## **G. Miscellaneous Rules and Regulations.**

**1. Vacation 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 Madeline Sanitary District shall be notified in writing that the plumbing fixtures have been removed from the premises and that disconnected drain and water pipes have been properly capped. The owner of the premises shall be liable for the payment of any damages to the property of the system by reason of failure to notify the District of a vacancy or any damage which may be discovered to have occurred to the property of the system other than through the fault of the system or its employees, representatives or agents. A reconnecting fee as set by the Sanitary District Commission shall be paid before service is re-established to any person disconnecting from the system.

**2. Charges are a Lien on Property.** The sewer service charges, including "initial user contribution charges", quarterly service charges, dumping fees, and standby charges shall be collected and taxed and shall be a lien upon the property served in the same manner as prescribed and in accordance with the provisions of §66.0809(3), Wisconsin Statutes, as the same has been and from time to time may be amended or re-created, which said Section of the Statutes is hereby incorporated herein so far as applicable and not inconsistent herewith.

On October 15 in each year, notice shall be given to the owner or occupant of all lots or parcels of real estate to which service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. The Notice shall be given by the Treasurer unless the Commissioners from time to time shall authorize otherwise. Such notice shall be in writing, shall state the amount of such arrears, including any such penalty assessed pursuant to the rules of the Sanitary District, and state that unless the same is paid by November 1, thereafter a penalty shall be paid of ten percent (10%) of such amount of the arrears will be added thereto; and that unless such arrears with any such added penalty shall be paid by November 15, thereafter the same will be levied as a tax against the lot or parcel of real estate to which service was furnished and for which payment is delinquent as above specified. Such notice may be served by delivery to either such owner or occupant personally, or by letter addressed to such owner or occupant at the post office address of such lot or parcel of real estate. On November 16, the Treasurer, or officer or department issuing the notice shall certify and file with the municipal Clerk a list of all lots or parcels of real estate giving the legal

description thereof, to the owners or occupants, of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears, together with the added penalty thereon as herein provided. Each delinquent amount, including such penalty, shall thereupon become a lien upon the lot or parcel or real estate to which the service was furnished and payment for which is delinquent, and the Clerk shall insert the same as a tax against such lots or parcels of real estate.

## **H. Maintenance of Services.**

All sewer services within the corporate limits of the Madeline Sanitary District from the street main to the property line will be maintained by the District without direct expense to the property owner, except when sewer services are damaged as a direct or indirect result of acts or omissions on the part of the property owner or his tenant, lessee, agent or representative, in which case, repairs and/or maintenance will be at the expense of the property owner.

All sewer services from the point of maintenance by the Sanitary District sewage system to and through the premises shall be maintained and repaired free of defect of conditions by and at the expense of the property owner or occupant of the property and not at the expense of the District.

The sewer services for which the property owner or occupant is responsible shall include, but are not limited to, building drains, building sewers, building subdrains, and sewer services or portions thereof which are at an elevation which is equal to or below that of the gravity collection system. Any grinder pump or lift station located at an elevation equal to or lower than the gravity collection system shall be repaired and maintained at the expense of the property owner and not at the expense of the District.

If a property owner does not repair, within 24 hours, any break between the property line and the building allowing clear water infiltration, the system may be repaired by the Madeline Sanitary District and backcharged to the property owner. If the property owner does not repair any service within seven (7) days after receiving written notice from the Madeline Sanitary District of any defect or problem which exists for which the property owner is liable, the service may be repaired by the Madeline Sanitary District and backcharged to the property owner.

Whenever any sewer service is to be relayed, 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.

## **I. Payment of Bills.**

### **1. Failure to Receive Bill / No Penalty Exemption.**

Reasonable care will be exercised in the delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of

sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

**2. Billing.** The property owner is liable and responsible for the timely payment of all sewer bills on premises that he, she or it owns. All sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and delivered to the premises referred to on such bill or notice.

#### **J. Damage Recovery.**

The Madeline Sanitary District shall have the right to recover from any person or entity for any expense, loss or damage the Madeline Sanitary District or its system suffers, sustains, or incurs as a result of any act or omission of another.

#### **K. Violation**

Any person or entity who shall violate any provision of this ordinance or any order, resolution, rule or regulation of the Madeline Sanitary District or who shall connect with a service pipe to the system without having first obtained a permit therefore, or who shall violate any term or provision of Wisconsin Statutes, Wisconsin Administrative Code or any materials which are incorporated herein by reference shall, upon conviction therefore, be required to forfeit not less than \$100.00 nor more than \$1,000.00 plus court costs, applicable assessments and the actual cost of prosecution. Each day a violation continues or occurs shall constitute a separate and distinct, prosecutable violation for which the above stated penalties may be imposed.

It is not a defense to a charge of violating a term or provision of this ordinance for the alleged violator to contend or establish that another person or entity violated a term or provision of this ordinance and was not cited or prosecuted.

#### **L. Private Sewage Disposal System Prohibited.**

The maintenance and use of septic tanks and other private sewage disposal systems within the Madeline Sanitary District served by its sewer system are hereby declared to be a public nuisance and a health hazard. From and after the 1st day of July, 1976, the use of septic tanks or any private sewage disposal system within the Madeline Sanitary District serviced by the sewer system is prohibited.

#### **M. Adoption of Other Rules and Regulations.**

All rules and regulations of the State Building Code and Plumbing Administrative Code requirements of the Department of Commerce (COMM) Chapters 82 and 84 of the State of Wisconsin, as well as the Ashland County Private Sewage System Ordinance and COMM Ch. 91, insofar as the same are applicable to the Madeline Sanitary District, are hereby incorporated herein by reference.



## **N. Validity.**

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

## **SECTION 4**

### **APPEALS TO THE COMMISSION**

**General Policy.** Any person or entity aggrieved by a decision of any officer, employee, agent or representative of the Madeline Sanitary District may request and be granted a public hearing before the Commission of the Madeline Sanitary District.

A. The appeal is commenced by filing an original and one legible copy of a written notice of appeal with the Clerk of the Madeline Sanitary District within thirty (30) days of the decision being appealed. After written notice of appeal has been filed, the Clerk shall forward the copy of such notice of appeal to the President of the Commission.

B. The notice of appeal shall set forth the name, address and telephone number of the appellant, shall be dated, shall set forth with particularity the grounds for the appeal, shall indicate the date of the decision being appealed from and shall indicate who made the decision being appealed from.

C. The hearing shall be conducted by the Commission of the Madeline Sanitary District and will commence within thirty (30) days of the filing of the notice of appeal unless the Commissioners determine reasonable cause exists to delay the hearing for an additional period of up to fifteen (15) days. The hearing may be further extended on mutual agreement of the appellant and the Commissioners. The Clerk of the Madeline Sanitary District or some person acting on the Clerk's behalf shall give the appellant notice of the time, date and place of the hearing at least twenty-four (24) hours prior to the hearing. The appellant shall have the right to appear personally at the hearing and with counsel and shall be given a reasonable opportunity to present evidence and be heard. The Commissioners will make a decision on the appeal in writing within thirty (30) days of hearing the appeal and a copy of the written decision of the Commission will be sent to the appellant by mail at the address on the notice of appeal.

## **SECTION 5**

### **EXTENSION OF MADELINE ISLAND SANITARY SEWER SYSTEM**

**A. General Policy.** This section is enacted in the public interest for the purpose of benefiting and protecting the Madeline Sanitary District, its sewerage system and those who are served by and benefit from it. These provisions are intended to aid and assist the Madeline Sanitary District in performing its duties and responsibilities.

The general policy of the Madeline Sanitary District is to not allow any future direct extensions or direct connections to the Madeline Sanitary District's sanitary sewer system unless:

1. The extensions or connections are constructed in accordance with proper standards and applicable laws, statutes, codes, regulations and ordinances, and
2. The Madeline Sanitary District owns such extension or connection as well as an appropriate easement allowing it to examine, inspect, maintain, repair, replace, relocate, construct and reconstruct such extension or connection, as necessary, and
3. The extension or connection is properly sized and installed at an appropriate depth and pitch to accommodate future growth and expansion for a gravity sewer. The District's engineer and the sewer expansion evaluation will be used to make this determination.

Recognizing that situations may arise where it is not feasible or in the best interests of the Sanitary District to own a given extension or connection (such as a privately owned interceptor main sanitary sewer), the Sanitary District may depart from this general policy when circumstances warrant, in the discretion of the Madeline Sanitary District Commissioners.

If the Sanitary District Commissioners decide to depart from this general policy, they may, on a case-by-case basis, place such conditions on the requested extension or connection as they deem appropriate in their discretion, in order to protect the integrity of the Madeline Sanitary District system. Such conditions may include, but are not limited to, requiring applicants and/or property owners to sign such agreements as the Commissioners deem necessary to protect the Sanitary District system from future events and/or occurrences.

Before assuming ownership of any existing privately-owned sewer line, the Commissioners shall take into consideration the size, depth, pitch and overall condition of the sewer line and its ability to accommodate future growth and expansion without the use of grinder pumps. The District may hire an engineer at the owner's expense to assist with this determination. A gravity sewer is required.

**B. Application Procedure.**

1. There shall first be filed with the Clerk of the Madeline Sanitary District a properly completed written application directed to the Madeline Sanitary District

which meets all requirements of this section.

2. The Clerk of the Madeline Sanitary District may provide written forms to those wishing to apply to the Madeline Sanitary District for an extension of its sanitary sewer system. If the Madeline Sanitary District's application form is not used, the application submitted must still meet all requirements of this section.

3. In the event the Clerk, the Commission, or its agent ever determines that an application for the extension of the Madeline Sanitary District Sewer System which was filed with the Clerk, is inadequate, insufficient, or contains information which is substantially or materially inaccurate, such application shall be returned to the applicant with an indication of the reason or reasons for its return so that the applicant can revise, supplement or correct such application. No application will be approved unless it is believed to comply with the requirements of this section.

4. In the application the applicant shall set forth the name, address, and telephone number of each owner of the land on which all or any part of the requested sanitary sewer system extension would be located.

5. The application shall be accompanied by a copy of a deed or other document which substantiates the name of each owner of the land on which all or any part of the requested sewer system extension would be located and which substantiates the legal description of the real estate on which all or any part of the proposed sanitary sewer system extension would be located.

6. The application shall contain a detailed written description of the proposed sewer system extension, including:

- a. The legal description of all land on which all or any part of the requested sewer system extension would be located.
- b. A description of the desired extension, including the estimated length of the desired extension, the diameter of the desired extension, where the extension would be located, where the extension would connect with the Madeline Sanitary District's line, as well as any other sewer lines and structures. Design population, design flow and design BODs shall also be given.
- c. A detailed description of the structure and facility which would be served by the proposed sewer system extension. This description shall include the nature of the structure, the intended use of the structure, and the estimated number of square feet of the structure. If the structure is residential, or is intended to be used for residential purposes, the number of bedrooms shall be indicated. If the structure is non-residential, or is intended to be used for non-residential purposes, the description shall contain an indication of the nature and expected volume of the sewage to

be disposed of expressed in water supply fixture units (WSFU).

d. An easement, properly recorded in the Ashland County Register of Deeds Office, showing the location of the sanitary sewer and its maintenance easement, as well as the location of any buildings.

7. The applicant shall indicate the name, address, and telephone number of any contractor and any plumber who would be involved in the proposed sanitary sewer system extension, the estimated commencement date of the project, and the projected completion date.

8. The applicant shall represent that all required building and zoning permits from the State, County and Town have been obtained, and evidence of the issuance of the same shall be provided to the Clerk as soon as such evidence is available. A Sanitary District sanitary permit will be issued after receipt of plan approval.

9. The application shall contain a statement by the applicants indicating:

The Madeline Sanitary District is authorized by the applicant to hire an engineer of the Madeline Sanitary District's choice to obtain information from the applicants and the applicants' contractors and plumbers, to determine the specifications of the sewer system extension to be constructed, including design population, design flow and design BODs, and to provide any supervision, inspections, advice or assistance deemed reasonably necessary by the Madeline Sanitary District in connection with such sewer extension project.

10. The specifications to be developed by the engineering firm hired by the Madeline Sanitary District shall specify the type and size of the materials to be used in the sewer system extension, the location of the sewer system extension, the length and slope of the sewer system extension, and exactly when and how such sewer system extension is to be completed. The Sanitary District's engineer shall also evaluate whether the treatment facility and downstream sewers have sufficient capacity for the proposed expansion and if the proposed extension/expansion will accommodate future growth.

The applicant shall furnish the District with a copy of the sewer plans and a copy of the "as built". The use of laser beams versus batter boards is expected. A separate lateral shall be installed for each foreseeable lot.

The lateral stub shall be marked by a treated 4x4 post buried at the end of the stub and protruding slightly above grade. A six-foot metal post shall be installed aboveground to mark the end of the stub and the treated post

11. The applicants will represent to the Madeline Sanitary District that all work will be performed in strict compliance with the specifications determined by the engineer hired by the Madeline Sanitary District and in compliance with all federal, state and local laws, regulations, rules and ordinances and that any approvals required will be

obtained in a timely manner.

12. That the applicant agrees to pay to the Madeline Sanitary District the estimated costs of all charges and expenses of the engineering firm hired by the District to provide services in connection with the sewer system extension project. If the amount of the estimated cost paid is less than the actual costs incurred, that the applicant also agrees to pay to the Madeline Sanitary District the balance of such costs within ten (10) days after the applicant's receipt of a billing. If the estimated cost paid was more than the actual cost, the District shall reimburse the applicant the difference.

13. That the sewer system extension will be constructed at the applicant's sole expense.

14. That the sewer extension will not be covered with earth or otherwise obstructed from view until it has been inspected and approved by the Madeline Sanitary District or its engineer or designee.

15. That when the sewer extension has been inspected, air tested, and approved, the applicant will promptly provide the Madeline Sanitary District with:

- a. A bill of sale in a form acceptable to the Commission transferring ownership of the sewer system extension to the Madeline Sanitary District, and
- b. A perpetual grant of sewer easement to the Madeline Sanitary District in form and substance acceptable to the Commissioners.
- c. The Sanitary District Commissioners may waive all or some of the requirements in this subsection if, the Commissioners, in their discretion, deem it to be in the best interests of the Sanitary District to do so. In the event the Sanitary District Commissioners waive some or all of the requirements in this section, they may, on a case-by-case basis, place such conditions on the requested extension or connection as they deem appropriate, in their discretion, in order to protect the integrity of the Sanitary District's sewer system. Such conditions may include, but are not limited to, requiring applicants and/or property owners to sign such agreements as the Commissioners deem necessary to protect the Sanitary District's sewer system from future events and/or occurrences.

16. That in the event the applicant fails to pay any amount which is due under the terms of the application, the applicant agrees such amount is a valid special assessment which shall be assessed and levied against the applicant's real estate.

17. That each of the applicants is jointly and severally liable for payment of all amounts and for fulfillment of all duties and responsibilities set forth in this application; that if the applicant fails to comply with any of the applicant's duties and

obligations under the terms of this application, the applicant will reimburse the Madeline Sanitary District for all actual and reasonable attorney fees, costs and disbursements the Madeline Sanitary District incurs in connection with the enforcement of any provisions set forth herein or in connection with the collection of any amounts due hereunder; that the application shall be signed by each owner of the land on which all or any part of the requested sewer system extension will be located; that the application shall contain a statement indicating that each applicant has read the application in its entirety, as well as any documents accompanying the application, and that they hereby swear to the Madeline Sanitary District that such information is true, correct and accurate, and such application shall be sworn to by each owner in the presence of a notary public who shall sign, date and affix his or her seal to the application.

## SECTION 6

### DISPOSAL OF WASTE INTO SANITARY DISTRICT SYSTEM FROM UNCONNECTED SOURCE

**A. Purpose.** The purposes of this Section are to regulate those engaged in servicing so that their activities do not damage or adversely affect the Madeline Sanitary District's sanitary system, to help assure that the ordinances of the Madeline Sanitary District are complied with, and to protect public health from unsanitary and unhealthful practices and conditions.

**B. Applicability.** This Section applies to licensed haulers and all other persons who deposit, pump, dump, place, release or introduce any septage or any other substance or material into the Madeline Sanitary District's sanitary system by any method or means other than a normal connection to a residence, commercial, or industrial or public building drain or sewer line which is operating in its normal course of business. This ordinance specifically applies to any discharge or release from a vehicle covered or regulated by Chapters NR 113 and NR 114 of the Wisconsin Administrative Code.

**C. Definitions.** The definitions in Chapters NR 113 and NR 114 of the Wisconsin Administrative Code and Chapter 281, Wisconsin Statutes, and as hereinafter amended, are incorporated herein by reference and apply to this Section 6. When used in this ordinance, the word "person" includes not only individual persons, but also corporations, limited liability companies, partnerships and all other entities.

**D. Disposal Permit/Plan Required.** No licensed hauler or other person to whom this section applies, shall deposit, pump, dump, place, release, or introduce any septage or other substance or material into the Madeline Sanitary District sanitary system unless they then hold a current disposal permit/plan issued to them by the Madeline Sanitary District.

**E. Application Procedure.**

**1. Application Form.** Prior to September 1 each year, a licensed disposer may

apply to the Madeline Sanitary District for permission to dispose of septage in the Madeline Sanitary District sewage system.

- a. No permits of any kind that are issued by the Sanitary District, including a Disposal Permit/Plan, will be issued if any money is owed to the Sanitary District by the applicant. Applicant includes the owner of the property, whether that be an individual or corporate entity.

**2. Exceptions.** The Madeline Sanitary District may determine not to accept septage from a licensed disposer if one or more of the following circumstances exist:

- a. Treatment of the septage would cause the sewage system to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards, or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders;
- b. The septage is not compatible with the sewage system;
- c. The licensed disposer has not applied for and received approval to dispose of septage in the sewage system or the licensed disposer fails to comply with the disposal plan;
- d. The licensed disposer fails to comply with this Section 6 or any other septage disposal rules promulgated by the Madeline Sanitary District.

**3. Timeline.** When an application is filed prior to September 1, the Madeline Sanitary District will approve such application or reject such application no later than October 1.

**4. Terms and Conditions.** The Madeline Sanitary District may impose reasonable terms and conditions for septage disposing, including, but not limited to:

- a. Specific quantities, locations, times and methods for disposal of septage into the sewage system.
- b. Requirements to report the source and amount of septage placed in the sewage system.
- c. Requirements to analyze septage characteristics.

**5. Disposal Plan.** The Madeline Sanitary District will prepare a disposal plan for each licensed disposer whose application for septage disposal is approved. The disposal plan shall consist of the approved application and all terms and conditions imposed on the licensed disposer.

**6. Analysis of Septage.** The Madeline Sanitary District may require the licensed disposer to analyze representative samples of septage placed in the sewage system in order to determine the characteristics of the septage and the compatibility of the septage with the municipal sewage system. Any analysis shall be done by a state licensed lab.

**F. Completion of Application Form.** Each applicant for a Disposal Permit/Plan from the Madeline Sanitary District shall:

1. Under oath, fully and properly complete, sign, and file with the Clerk a written application form provided by the Madeline Sanitary District for this purpose. Except for the signature, such application shall be printed or typewritten so that it is fully legible.
2. Provide the Clerk with a photocopy of each license issued to the applicant by the Department pursuant to Chapters NR 113 and NR 114, Wisconsin Administrative Code. This includes licenses issued to persons and for vehicles and equipment.
3. Provide the Clerk of the Madeline Sanitary District with the herein described bond then required by the Madeline Sanitary District for disposal permit/plan holders.
4. Pay the applicable fee to the Clerk. Such fee shall be set and adjusted from time to time by resolution by the Madeline Sanitary District Commissioners.

**G. Disposal.** A person shall hold a valid disposal permit/plan issued to them by the Madeline Sanitary District at the time such person deposits, pumps, dumps, places, releases or introduces any septage, substance or material into the Madeline Sanitary District sanitary system. The disposal permit/plan shall specify the type or types of waste which the permit holder is allowed to dispose of into the Madeline Sanitary System. The Madeline Sanitary District will specify or designate which entrance or entrances into the Madeline Sanitary District System that permit holder is authorized to use. No permit holder shall use an entrance into the Madeline Sanitary District system which has not been specified or designated or approved by the Madeline Sanitary District.

**H. Prohibitions.** No licensed hauler or other person shall deposit, pump, dump, place, release or introduce any septage or other substance or material into the Madeline Sanitary District Sanitary System that is not specifically authorized by the disposal permit/plan. The Madeline Sanitary District may, in its discretion, at any time, sample any septage, substances or material the permit holder desires to or intends to deposit, pump, dump, place, release or introduce into the Madeline Sanitary District's sanitary system.

**I. Required Reports.**



**1. Monthly Reports.** Within fifteen (15) days after the last day of each calendar month, each person holding a valid disposal permit/plan issued by the Madeline Sanitary District who has disposed of any septage or other substance or material into the Madeline Sanitary District sanitary system during the preceding month shall file with the Madeline Sanitary District a written report which includes:

- a. The date of each disposal.
- b. The source of each disposal, including name and physical address.
- c. The type of septage, material or substance disposed of.
- d. The volume of septage, substance or material disposed of.
- e. The location the disposal was made.
- f. The monthly totals.

Except for the signature, such report form shall be typewritten or printed so it is legible and shall include the name, date and signature of the permit holder.

**2. Annual Report.** A disposal permit/plan holder shall, by January 31 of each year, complete and file with the Madeline Sanitary District, a written annual report which sets forth the total number of gallons pumped for each customer during the preceding twelve (12) month period of January 1 to December 31. This annual report shall list the customers in alphabetical order. Copies of the applicant's annual "DNR Land Application Report" and "DNR Other Methods of Disposal & Distribution Report" shall accompany the annual report.

**3. Delinquent or Late Reports or Documents.**

- a. If a required report or document is not received after 5 business days of the due date the hauler shall be notified in writing of the delinquency and if not resolved by the date of the next Madeline Sanitary District meeting the Board of Commissioners may consider suspension of all dumping privileges.
- b. If the delinquency hasn't been resolved by the next Madeline Sanitary District meeting, the Commissioners may vote to suspend the hauler's dumping privileges effective 10 business days following the vote. The Madeline Sanitary District shall notify the hauler of the suspension and their right to appeal the suspension by either certified mail (return receipt) or police service.
- c. If appealed, the suspension shall be deferred until the appeal goes before the Madeline Sanitary District Board of Commissioners at their next

meeting or a special meeting if requested and paid for by the hauler. The decision of the commissioners takes effect immediately, and is appealable only to circuit court.

- d. If the delinquency is resolved, the hauler may request a special meeting and lift the suspension otherwise the commissioners will consider lifting the suspension at their next regular meeting.

#### **J. Records.**

1. Each holder of a disposal permit/plan issued by the Madeline Sanitary District pursuant to Section 6 shall keep and maintain records which accurately reflect:

- (a) The date and time of each pickup.
- (b) The source of each pickup, including name, physical address, mailing address, and telephone number.
- (c) The type of septage, material or substance picked up.
- (d) The volume of septage, substance or material picked up.
- (e) The location and time of disposal into the Madeline Sanitary District system.

2. The entries shall be clearly legible and shall be made at the time of the collection and at the time of the disposal while such information is fresh in the mind of the record keeper.

3. The aforesaid records shall be maintained for a period of at least two (2) years and shall be made available to the Madeline Sanitary District upon its request.

**K. Information.** Any person holding a disposal permit/plan issued by the Madeline Sanitary District shall promptly provide the Madeline Sanitary District and its officers, employees and agents with accurate information in response to an inquiry such licensee receives from the Sanitary District relating to the subject of this ordinance. No person or entity holding a disposal permit/plan issued by the Madeline Sanitary District shall provide false, inaccurate or misleading information to the Madeline Sanitary District or any of its officers, agents or employees.

**L. Liable and Responsible.** Each licensed hauler or other person who deposits, pumps, dumps, places, releases or introduces any septage or any other substance or material into the Madeline Sanitary District sanitary system shall be liable and responsible for all damages and losses caused to the Madeline Sanitary District sanitary system resulting therefrom.

**M. Bond.** Prior to the Madeline Sanitary District Clerk issuing a disposal permit/plan to an applicant, such applicant shall have on file with the District Clerk the appropriate bond as determined by the Sanitary District, in the amount and of the type required by the District, for the work being performed. The bond shall remain in full force and effect for the term of the desired permit/plan, assuring that the applicant will pay the Sanitary District for any damages, losses, costs or expenses the Sanitary District suffers or incurs related to, associated with or arising from any acts, omissions or negligence of the applicant or any occurrences caused, in whole or in part, by the applicant.

The amount of the required bond is set forth in the Sanitary District's current Fee Schedule which is subject to adjustment from time to time as the Sanitary District Commissioners determine. The Sanitary District's current Fee Schedule is incorporated into this Ordinance by reference.

**N. Directions.** Recognizing that the Madeline Sanitary District and its officers, employees and agents are responsible for maintaining the integrity of the Madeline Sanitary District's sanitary system and protecting the same, each holder of a disposal permit/plan will follow directions and/or instructions provided to such disposal permit holder provided by the Madeline Sanitary District or its officers, employees or agents to the extent they involve the sanitary system of the Madeline Sanitary District.

**O. Disposal Charges.** Each residence, commercial, industrial or public building or other source providing septage or other waste from a holding tank or portable restroom which is disposed of in the Madeline Sanitary District sanitary system shall have paid or shall pay the Madeline Sanitary District the then applicable charges due to it. Such charges will be set and adjusted from time to time by resolution of the Madeline Sanitary District.

**P. Safe and Clean.** Any person holding a disposal permit/plan who dumps septage or any other substance or material in to the Madeline Sanitary District sanitary system, shall deposit the same in a neat, clean and safe manner. In the event of any mess or spill, the permittee involved shall immediately and properly clean up the mess or spill at the permittee's expense.

**Q. Other Provisions of this Ordinance.** Other provisions of this ordinance are hereby incorporated into Section 6 by reference to the extent they are not inconsistent with Section 6.

**R. Violations.** Each person or entity violating a provision of this Section 6 is subject to the penalty provisions set forth in Section 3(K) of this ordinance. In addition, or as an alternative, and without the necessity of a court proceeding, each person violating any provision of Section 6 may have its disposal permit/plan suspended or revoked and/or may have its future applications for a disposal permit/plan denied by the Madeline Sanitary District.

**S. Former Ordinances Repealed.** On the effective date of this present ordinance, Madeline Sanitary District Ordinances Nos. 98-101, 01-101, 02-101, 03-101, and 08-101 are repealed in their entirety and are declared null and void.

Adopted at a meeting of the Madeline Sanitary District

Commissioners on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson/President, Madeline Sanitary District

\_\_\_\_\_  
Commissioner/Secretary, Madeline Sanitary District

\_\_\_\_\_  
Commissioner/Treasurer, Madeline Sanitary District

\_\_\_\_\_  
District Clerk, Madeline Sanitary District