

ST. CROIX WATER AND WASTEWATER UTILITY ORDINANCE

Sec. 100 – UTILITY COMMISSION

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Sec. 100.01. Commission established. There is hereby established the St. Croix Tribal Water and Wastewater Utility Commission, composed of five members. The Commission and its officers shall be appointed by the Tribal Council. The qualifications and terms of the Commissioners, and the meeting and other procedural rules of the Commission not set forth in this Ordinance, shall be as set forth by Tribal Council Resolution.

Sec. 100.02. Powers of the Commission. The Commission shall have the following powers and responsibilities, subject to the oversight of the Tribal Council:

- (a) To manage, operate, and control each community water or wastewater system constructed on any of the reservation or trust lands of the Tribe.
- (b) To construct water lines and wastewater lines for public use, and to lay water pipes and wastewater pipes in and through the alleys, streets, and public grounds of the Reservation, whether or not held in trust, and in and through other trust lands of the Tribe.
- (c) To do all such work as may be found necessary or convenient in the management of the water and wastewater systems.
- (d) To enter upon any land for the purpose of making examination or to supervise in the performance of its duties under this Ordinance.
- (e) To purchase and acquire, as agent for and on behalf of the Tribe, all personal property which may be necessary for construction, operation, maintenance, management, repair, remodeling, or additions of the water or wastewater systems.
- (f) To advise the Tribal Council on the purchase of real property which may be necessary for the construction, operation, maintenance, management, repair, remodeling, or additions of the water or wastewater systems.

Sec. 100.03. Records of the Commission. The Secretary of the Commission shall keep all records, minutes, and other written proceedings of the Commission. All financial records of the Commission shall be kept by the Tribe's Accounting Office.

Sec. 100.04. Condemnation of Real Estate. Whenever any interest in real estate (including an easement) shall in the judgment of the Commission be necessary to a water or wastewater system; and whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, the Commission shall advise the Tribal Council as to the merits of proceeding with all necessary steps to take such real estate or easement by condemnation in accordance with Tribal Ordinance, the Wisconsin Statutes as applicable, the Uniform Relocation and Real

Property Acquisition Policy Act of 1970 if Federal Funds are used, and applicable federal law, and shall also advise on all alternatives to such taking.

Sec. 100.05. Title to Real Estate and Personalty. All property, real, personal and mixed, acquired for the construction of the water system, and all plans, specifications, diagrams, papers, books and records connected therewith, and all buildings, machinery, and fixtures pertaining thereto, shall remain the property of the St. Croix Chippewa Indians of Wisconsin.

Sec. 200 - USE OF SYSTEM

Sec. 200.01. User assent to rules.

(a) Connection is assent. Every person (natural or legal) who makes a connection with any water or wastewater system operated by the Commission is deemed to have assented to be bound by the rules, regulations, and rates of the Commission, whether in force at the time of the connection or adopted thereafter.

(b) Shut-off authorized. Whenever a user violates any of the rules and regulations of the Commission, the user's service may be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Commission, and on payment of such arrears, expenses and established charges of shutting off and putting on, and other terms as the Commission may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of violation the Commission furthermore may declare any deposit made for the service by the party or parties committing such violation to be forfeited. All shut-offs shall be ordered only after notice and opportunity for hearing has been provided pursuant to Sec. 600 of this Ordinance.

Sec. 200.02. Plumbers.

(a) License or permit required. No plumber, pipe fitter, or other person may do any plumbing or pipe fitting work in connection with any water or wastewater system without first receiving a license from the State of Wisconsin or the Tribe, unless permitted by the Commission.

(b) Tribal rules. The Commission may propose rules and standards for the tribal licensing of plumbers and pipefitters.

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Sec. 200.03. Users

(a) Laterals. Street laterals will be installed by the Commission upon payment in advance by the user according to a schedule of charges to be adopted from time to time by the Commission

(b) Extensions. If a request for an extension to a system is granted, the cost for such extension, including laterals, will be paid for by the requestor. Upon inspection and approval by

the Commission, the extension will be dedicated to the Commission. All plans and specifications must be approved by the Commission before construction begins.

(c) Request for wastewater service. Every person connecting with the wastewater system shall file an application in writing to the Commission, on such forms as prescribed by the Commission for that purpose. Blanks for such applications will be furnished at the office of the Commission. A short form shall be available for any person whose sole use of the service will be for residential waste. The application must state fully and truly all the uses for which a connection is sought. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. The Tribe's Housing Authority is deemed to have granted consent for all residential services sought by residents of any Housing Authority unit. If it appears that the service applied for will not provide adequate service for the contemplated uses, the Commission shall advise the applicant of the problem and ask the applicant to re-submit its application, and if the applicant fails to do so it may reject the application. If the Commission approves the application, it shall issue a permit for services as shown on the application.

(d) Tap Permits. After a water or wastewater connection has 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 Commission.

(e) User to Keep in Repair. All users are responsible for the maintenance and repair of their own service pipes. 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 waste of water or overburdening of a wastewater system.

(f) User to Permit Inspection. Every user shall permit the Commission or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the water is used, and the manner in which the drains and sewer connections operate, and they must at all times, frankly and without concealment, answer all questions put to them relative to its use. The Commission or its duly authorized agent is not required to make an appointment with the user for the purpose of inspection.

(g) Commission Responsibility. No claim shall be made against the Commission or the Tribe, or the agents and employees of either, by reason of the breaking, clogging, stoppage, or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The Commission reserves the right 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 water or wastewater service within any service area, the Commission shall, if practicable, give notice to each and every consumer within the area of the time when the service will be shut off.

(h) Meters. It shall be the duty of the owner of any premises to provide a location for a water meter, and to maintain such location and passageway thereto, clean and sanitary and free

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from any obstruction of any conditions of a hazardous nature. No connection for a water meter shall be installed in any location not easily accessible, or which is or may be unclean, unsanitary, or in any manner unsafe to Commission employees in the discharge of their duties.

Sec. 200.04. Excavations.

(a) Earth removal. 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) Warnings. No person shall leave any such excavation made in any street or highway open at any time without barricades. During the night, warning lights must be maintained at such excavations.

(c) Refilling. 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 at least as good as before it was disturbed, and satisfactory to the Commission. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

Sec. 200.05. Tapping the Mains.

(a) Permits. No person, except one having special permission from the Commission, or persons in their service and approved by them, will be permitted under any circumstances to tap the water mains or distribution pipes, or the wastewater mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from the Commission. The permit shall require any person doing any excavation to contact the Digger's Hotline before excavation and to conduct the excavation in accordance with information received from the Digger's Hotline. The permit shall also require site restoration for any excavation.

(b) Restrictions. Pipes should be tapped on the top half of the pipe, and not within six inches (15 cm) of the joint, or within 24 inches (cm) of another connections.

Sec. 200.05. Installation of Laterals

(a) Code. All service lines on private property, whether underground or within a structure, will be installed in accordance with the substantive provisions on the State of Wisconsin Administration Code, chapter Comm. 82, or any successor provisions of State code. Upon approval by the Tribal Council of a Tribal code regulating the design, construction, installation, supervision and inspection of plumbing, the installation of all laterals shall comply with the Tribal code.

(b) Inspection. All laterals shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.

(c) Tribal rules. The Commission may propose rules and standards to the Tribal Council for the tribal regulation of design, construction, installation, supervision and inspection of plumbing.

(d) Digger's Hotline. No person shall do any excavation for the purpose of installing a service line without first contacting the Digger's Hotline and shall not conduct the excavation except in accordance with information received from the Digger's Hotline.

(e) Site restoration. No excavation on any land not owned by the owner of the property served by the service line shall be conducted without the permission of the owner of the site of the excavation. Any excavation on public or tribal land shall be followed by restoration of the site to its previous condition.

Sec. 200.06. Mandatory Connection.

(a) Connection required on notice. The owner of each parcel of land containing a structure which abuts a street, alley, or easement along which a water or wastewater main has been extended shall connect to such system within 90 days of being directed to do so by written notice from the Commission.

(b) Connection required upon transfer of property. The owner of each parcel of land containing a structure which abuts a street, alley, or easement along which a water or wastewater main has been extended shall connect to such system upon any transfer of the property.

(c) Sanctions. Upon failure of a property owner to make a required connection under subsections (a) or (b), the Commission may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days after the completion of the work, such notice shall be assessed as a special tax lien against any taxable property, pursuant to Section 144.06, Wisconsin Statutes, provided, however, that the owner may within thirty (30) days after the completion of the work file with the Commission secretary a written statement of inability to pay the entire amount and asking that the amount be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the rate of 12% percent per annum from the completion of the work, the unpaid balance, in the case of taxable property, being a special tax lien, all pursuant in the case of taxable property to Section 144.06 Wisconsin Statutes, and also subject, in the case of any property, taxable or not, to any other collection action in state court or tribal court.

(d) Penalty for failure to connect. In lieu of the above, the Commission at its option may impose a penalty for the period the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water or wastewater system in an amount of \$300 per month for each residential unit equivalent for the period in which the failure to connect continues, and upon failure to make such payment said charge may be assessed as a special tax lien against any taxable property, pursuant of Section 144.06 Wisconsin Statutes. In the case of any property, taxable or not, such penalty may be collected pursuant to action initiated by citation in Tribal Court for violation of this section.

(e) Septic Tanks Prohibited. The maintenance and use of septic tanks and other private sewage disposal systems within any area serviced by a community wastewater system is declared to be a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within any such area serviced by the sewerage system shall be prohibited on and after such date as set by the Commission. The Commission may, upon 120 days notice, require the owner, at the owner's expense to remove any such tank or system, or to permanently disable it.

(f) Penalty for use of private system. Any person using a septic tank and other private sewage disposal system prohibited by sec. 200.06(e), above, or violating an order of the Commission to remove or disable such tank or system, shall be subject to a penalty of \$300 per month for each residential unit equivalent for the period in which the usage or violation continues, and upon failure to make such payment such penalty may be collected pursuant to action initiated by citation in Tribal Court for violation of this section.

(g) Damages. In addition to any other penalties collected pursuant to this section, the Commission or Tribe may collect actual damages resulting from any violation of this section, plus costs and attorney fees.

200.07. Maintenance of Services

(a) Service. All water and wastewater services within the limits of service by the Commission from the Street main to the property line and including all controls between the same will be maintained by the Commission without expense to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner, in which case they will be repaired at the expense of the property owner. All services from the point of maintenance by the Commission to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(b) Two or more buildings. When any water or wastewater 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 water or wastewater service shall be installed for each building.

Sec. 200.08. Industrial Discharges.

(a) Industrial discharges. If any waters, wastes, or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which waters, wastes, or septage contain substances or possess the characteristics enumerated in Section 500.06 and which, in the judgment of the Commission, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Commission may:

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require a control over the quantities and rate of discharge.

(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 this Ordinance.

(b) Inspection. 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 determinations shall be made at a testing facility approved by the Commission at the expense of the disposer as often as may be deemed necessary by the Commission.

(c) Sample collection. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling method may be manual or automatic and shall be approved by the Commission.

(d) Testing. Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Commission. Access to sampling locations shall be granted to the Commission 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.

(e) Standards. All measurements, tests, and analyses of the characteristics of waters, wastes and septage to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (40 CFR 136), or its successor document. At such time as the Tribe approves tribal methods for the examination of water and wastewater and tribal test procedures for analysis of pollutants, compliance shall be with such tribal methods and procedures. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Commission.

(f) Tribal rules. The Commission may recommend for approval by the Tribal Council tribal methods for the examination of water and wastewater and tribal test procedures for analysis of pollutants.

Sec. 300 – TRANSPORTED WASTEWATER

Sec. 300.01. Application for Septage Disposal

(a) Applications. Between August 1 and September 1 of each year every licensed disposer wishing to discharge septage to any wastewater treatment system shall file a nonrefundable filing fee and an application in writing to the Commission in such a form as is prescribed for that purpose. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the wastewater treatment system.

(b) Approvals. During the month of September, the Commission will evaluate the applications and make a determination as to the amount and conditions of septage disposal at

each wastewater treatment facility. The Commission shall approve or reject each application by October 1 of each year. If the Commission cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the wastewater system service area.

(c) Conditions. All Commission approvals for septage disposal shall have the conditions that any time the wastewater treatment system has operational problems, maintenance problems, or threat of NPDES permit violation that are indirectly or directly related to septage disposal, the Commission may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

(d) Violations. Any licensed disposer discharging to the wastewater treatment facility or to a public sewer, found to be violating a provision of this ordinance or of any conditions of the Commission approval for septage disposal, may have its approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

Sec. 300.02. Septic Tank and Holding Tank Disposal

(a) Permits. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the service area of any community wastewater system unless a permit for disposal has been first obtained from the Commission. Written application for this permit shall be made to the Commission and shall state the name and address of the applicant; the number of its disposal units, and the size, make, model, and license number of each unit. Permits shall be non-transferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee to be set by the Commission. The Commission may impose such conditions as it deems necessary on any permit granted.

(b) Charges. Charges for a disposal shall be set by the Commission. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.

(c) Charge for excess biological oxygen demand and suspended solids. At the discretion of the Commission, a septage sample shall be taken and tested for BOD5 and SS strength. The following formula will then be used to determine the disposal charge per pound of BOD% and per pound of SS; however, if the formula charge is calculated to be less than the flat charge, the flat charge will govern.

$$\text{Disposal Charge} = \text{OC} = (\text{CB} \times \text{BOD5}) + (\text{CS} + \text{SS})$$

Where: BOD5 (in pounds) = _____ * MG/L X 8.34 = _____ MG
SS (in pounds) = _____ * MG/L X 8.34 = _____ MG

* = Strength of Discharge

MG = Volume of Discharge expressed in million gallons;
i.e. 1000 gallons = 0.001 MG.

(d) Insurance. Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than one-hundred thousand dollars (\$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.

(e) Materials dumped. Any materials dumped into the treatment system shall be of domestic origin only and will comply with the provisions of any and all applicable ordinances of the Commission. No person may 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. Violation of this subsection may result in a forfeiture as provided by sec. 500.07.

(f) Indemnification. The person(s) or party disposing waste agrees to indemnify and save harmless the Commission and Tribe from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(g) Bond. The person(s) or party disposing waste shall furnish bond to the Commission in an amount to be set by the Commission to guarantee performance. Said performance bond shall be delivered to the Commission prior to the issuance of the permit hereunder.

Sec. 300.03. Septage Acceptance Locations

(a) License required. Septage shall only be discharged to the wastewater system by a disposer approved by the Commission and licensed by the Tribe or the State of Wisconsin and at locations, times, and conditions as specified by the Commission.

(b) Discharge to manholes. Septage discharges to specified manholes may, under special circumstances, be allowed provided 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 facility and require written documentation of the discharge to be submitted to the Commission within one working day of the discharge to the community sewers or wastewater treatment facility.

(c) Discharge to holding facility. Septage discharges to the Commission's septage holding facility at a wastewater treatment facility may be limited to the posted normal working hours of the facility. Documentation of the discharge shall be submitted to the Commission within one working day of the discharge to the Commission septage holding facility.

(d) Documentation forms. Blanks for documentation of the discharge will be furnished at the office of the Commission 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
- (6) Name and address of septage generator
- (9) Other information as required by the Commission

Sec. 300.04. Septage Disposal No person or licensed disposer shall dispose of septage into any storage area or sewer manhole located within any Commission service area without written approval of the Commission.

Sec. 400 - CHARGES

Sec. 400.01. Rates. The Commission shall from time to time set and adjust the rates for water usage and wastewater disposal.

Sec. 400.02. Payment of Bills:

(a) **Billing.** The property owner is held responsible for all bills on premises owned, except for premises owned by the Housing Authority, in which case the tenant is deemed the responsible party. All water bills and notices of any nature, relative to the water or wastewater service, will be delivered to the premises referred to on such bill or notice.

(b) **Failure to receive bill no penalty exemption.** Failure to receive a water or wastewater bill shall not relieve any person of the responsibility for payment of water or wastewater rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

(c) **Penalty.** The penalty for late payment of bills shall be set from time to time by the Commission as a flat per-day rate or a percentage of the unpaid bill.

(d) **Charges are a lien on property.** All water and wastewater services, charges, and special assessments shall be a lien on any non-trust lot, part of a lot, or land on which water or wastewater services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October and any year, shall be certified to the appropriate County Clerk to be placed on the taxroll for collection as provided by Wisconsin Statutes.

Sec. 500 - IMPROPER USE OF SYSTEMS

Sec. 500.01. Pollution. It shall be unlawful for any person to willfully pollute or otherwise injure any water supplied by the water systems.

Sec. 500.02. Cross-connections. Cross-connections are not permitted between the water utility system and any other source of water as set forth in the substantive provisions of Wis. Adm. Code NR 811.09 and Comm 82, their successor regulations, or any tribal regulation.

Sec. 500.03. Private wells. All private wells which are unused, unsafe or do not comply with appropriate Wis. Adm. Code must be abandoned in compliance with the substantive provisions of Section. NR 811.10 of the Code, its successor regulations, or any tribal regulation.

Sec. 500.04. Injury to system. It shall be unlawful for any person to willfully injure a water or wastewater system, or any building, machinery, or fixture pertaining thereto, or, to willfully and without authority of the Commission, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying, or collecting water or wastewater.

Sec. 500.05. Sewage exceeding limits. 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 the normal domestic sewage rate as set by the Commission. A surcharge shall be based on the excess of BOD or suspended solids at a rate set by the Commission. The Commission reserves the right to test the sewage at any point within the connection system of the user or consumer. A user may not use dilution as a means to achieve a lower concentration of BOD or suspended solids. Users discharging toxic pollutants shall pay for any increased operations and maintenance costs or replacement costs caused by the toxic pollutants.

Sec. 500.06. Prohibited disposals. No user shall ^{Knowingly?} discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer:

- (a) Any storm water, surface water, ground water, roof run-off or surface drainage.
- (b) Any gasoline, benzene, Naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the wastewater system.
- (d) Any water or wastes containing a toxic or poisonous substance in sufficient quantity ^{to} ~~or injure or interfere with any sewage treatment process~~, constituting a hazard to humans and animals ^{or} create any hazard in the receiving treatment facility. ? - regular testing
- (e) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the wastewater treatment plant.
- (f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- (g) Any garbage that has not been properly shredded.

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- (h) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- (i) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, or grease.
- (j) Any water or wastes having ph lower than 5.5 or higher than 9.0 having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (k) Any other substance injurious to the system or its operation.

Sec. 500.07. Penalties.

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the Commission or the Tribe; or who shall connect a service pipe without first having obtained a permit therefore, or who shall violate any provisions of the Wisconsin Administrative Code as incorporated by reference herein, shall upon conviction thereof forfeit not less than \$10 nor more than \$5,000 for each violation and the costs of prosecution. This section shall not bar the Commission from enforcing the connection duties set out in Section 200.06 for mandatory connection and private system abandonment. Each calendar day in which a violation occurs constitutes a separate violation. Proceedings under this section shall be brought in Tribal Court and may be commenced by the Tribe's conservation citation.

Sec. 500.08. Damage Recovery.

In addition to any other penalty provided by this Ordinance or other law, the Commission shall have the right of recovery from any responsible persons of any expenses incurred by the Commission:

- (a) For the repair or replacement of any water pipe, curbstop, gate valve, hydrant, or valve box damaged in any manner by any person by the performance of any work under their control, or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the Commission will not be responsible for the damage due the motor vehicle by reason of such accident.
- (b) For penalties imposed on the Tribe or Commission due to a violation by another person, natural or legal, of this Ordinance or other law,
- (c) Correction of conditions impairing the proper operation of any system, and the repair or replacement of any water or wastewater pipe or other property of any system damaged in any manner by any negligent or intended act or omission by any person.

Sec. 500.09. Withholding of Funds to Pay Penalties and Damages. Upon presentation of a Tribal Court order requiring the payment by any tribal member of any penalties or damages incurred under this Ordinance, the Tribe will withhold from any funds due to the member, in the Tribe's possession at the time of the Order or to come into the Tribe's possession at a later date, an amount sufficient to pay the penalties and damages. Such an order will take priority over

other claims to such funds, except claims based on a Tribal Court order of earlier date, or funds owed to the Tribe under an agreement of earlier date.

Sec. 600 – PROCEDURE FOR SHUT-OFF OF SERVICE

Sec. 600.01. Generally. Water and wastewater service may be discontinued for delinquency in payment of water or wastewater charges or for violation of the rules and regulations set forth in this Ordinance or adopted hereunder.

Sec. 600.02. Notice of Proposed Termination. No discontinuance of service shall be ordered by the Commission except upon notice as set forth herein. The notice shall be served by personal service or service by certified mail on the owner of the property and the occupant of the property. Failure to accept service by certified mail or to accept personal service shall not constitute a defense to termination based on lack of notice. If service cannot be achieved by either personal service or service by certified mail, service may be deemed made on both the owner and the occupant by affixing the notice to the front door of the primary structure on the property. The notice shall include a description of the property sufficient to identify it, shall state the amount of delinquent charges owed, or the nature of the violation if other, shall advise that all delinquent charges must be paid within 10 days of the date of the notice (or all violations must be remedied within ten days), and shall advise that if such actions are not taken, service will be discontinued and shut off. The notice shall also inform the owner and occupant that either may demand a hearing before the Commission by presenting such demand in writing before the expiration of the 10 day period. If such demand is received by the Commission within the 10 day period, no shut-off will occur until after a hearing is held.

Sec. 600.03. Hearing. Upon demand for a hearing, the Commission shall schedule and hold such hearing within 30 days from the date of receipt of the demand. The Commission shall notify the individual demanding the hearing of the date, time, and place of the hearing by certified mail, return receipt requested. Failure to receive notice of hearing shall not be a defense to termination if actual notice has been received. At least three members of the Commission shall be present at any termination hearing.

Sec. 600.04. Decision. After hearing, the Commission may decide to rescind the termination notice, may uphold the termination notice, or may suspend the termination notice upon performance of certain actions or agreement to payment arrangements as prescribed by the Commission. If the Commission upholds the termination notice, it may proceed to direct the shut off of service five days after reaching its decision.

Sec. 700 – MISCELLANEOUS

Sec. 700.01. Tribal Council finding. The Tribal Council hereby finds that this Ordinance, and compliance therewith by all occupants of St. Croix Reservation or trust land is necessary to the health, safety, and economic security of the Tribe, its members, other residents of the Reservation or trust lands of the Tribe, and visitors, and is also necessary to protect the environment of the Reservation or trust lands of the Tribe.

Sec. 700.02. Vacating of Premises and Discontinuance of Service.

Whenever premises served by a system are to be vacated, or whenever any person desires to discontinue service from the system, the Commission 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 having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

Sec. 700.03 Adoption of other rules

The Tribe hereby adopts all the rules and regulations of the State Plumbing and State Building codes and the building rules of the Department of Industry, Labor, and Human Relations; and the Department of Natural Resources of the State of Wisconsin, insofar as the same are applicable to the Commission, except as are inconsistent or specifically made inapplicable by Tribal ordinance.

Sec. 700.04. Severability

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

Sec. 700.05. Definitions. The following definitions are applicable to this ordinance.

(a) Biochemical oxygen demand (BOD) and "BOD5" means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

(b) Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(c) Building sewer means the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

(d) Commission means the St. Croix Tribal Water and Wastewater Utility Commission established by sec. 100.01 of this ordinance.

(e) Fee land means any land other than trust land, regardless of ownership.

(f) Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

(g) Incompatible pollutants means wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

(h) Industrial waste means the wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

(i) pH means 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 7 and hydrogen ion concentration of 10^{-7} .

(j) Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(k) Septage means scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

(l) Service area means any area served either by a water system or wastewater system administered by the Commission. No formal map is necessary to create a service area

(m) Shock means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

(n) SS means suspended solids.

(o) Standard methods means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

(p) Storm drain (sometimes termed storm sewer) means a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.

(q) Structure means a building within a water or wastewater service area which is used for any activity, including without limitation residential, recreational, agricultural, industrial, or commercial activity and from which wastewater is generated.

(r) Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as nonfilterable residue.

(s) Transfer means any full or partial, recorded or unrecorded, transfer of ownership in property, by sale, gift, or otherwise, and includes land contracts but does not include leases.

(t) Tribal Council means the Tribal Council of the Tribe.

(u) Tribal Court means the Court of the Tribe.

(v) Tribe means the St. Croix Chippewa Indians of Wisconsin.

(w) Trust land means any land the legal title to which is in the United States of America, with the beneficial owner being the Tribe, the Tribe's Housing Authority, any other entity of the Tribe, or any member of the Tribe.

(x) Unit of service means any residential commercial, industrial, or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church, or school. Each unit of service shall be regarded as one consumer. Suites in houses, or apartments with complete housekeeping functions (such as cooking), shall be classed as apartment houses. Houses and apartments having suites of one, two, or more rooms with toilet facilities, but without cooking, are classed as rooming houses.

(y) Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions; together with any ground water, surface water, and stormwater that may be present, but not intentionally admitted.

(z) Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment.

(aa) Watercourse means a natural or artificial channel for the passage of water, either continuously or intermittently.

(bb) National pollutant discharge elimination system (NPDES) permit is a document issued by the USEPA Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

St. Croix Tribal Council

P.O. Box 45287

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Hertel, Wisconsin 54845

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TRIBAL COUNCIL

David "Maabin" Merrill
Tribal Chairman
Round Lake Community

Michael L. Bearhart
Vice-Chairperson
Maple Plain Community

Leo Butler
Secretary/Treasurer
Sand Lake Community

Gloria E. Benjamin
Member
Danbury Community

Lewis Taylor
Member
Sand Lake Community

EXECUTIVE ASSISTANTS

Mary Hartmann
Harriet Fickbohm
Vicki Larsen
Stephanie Mosay

RESOLUTION NO. 11-12-03 03


WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the Tribe) intends to construct, operate and maintain a wastewater system in the Sand Lake/West Hertel community, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys owned by the Tribe, **NOW THEREFORE BE IT**

RESOLVED, that the Tribe hereby adopts the amended water and wastewater utility ordinance.

CERTIFICATION

I, the undersigned Secretary of the St. Croix Tribal Council, do hereby certify that the council is composed of five (5) members, of whom 3 were present at a meeting duly called, convened and held this 12 day of Nov., 2003 and that the foregoing resolution was adopted at said meeting by an affirmative vote of 3 members for, 0 against, and 0 members abstaining from the vote, and that said resolution has not been rescinded or amended in any way.


Leo Butler, Secretary/Treasurer
St. Croix Tribal Council

ST. CROIX CHIPPEWA HOUSING AUTHORITY

RESOLUTION NO 11-12-03-01

INSTALLATION OF LATERAL WASTEWATER SERVICE LINES

WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the Tribe) intends to construct, operate, and maintain a wastewater system in the Sand Lake/West Hertel community, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys owned by the Tribe, and


WHEREAS, the Tribe has leased lands in the Sand Lake/West Hertel Community to the St. Croix Chippewa Housing Authority (the Housing Authority) for the purpose of providing housing to tribal members, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys leased by the Housing Authority,

NOW, THEREFORE, BE IT RESOLVED that the Housing Authority hereby grants back to the Tribe the right to install lateral wastewater service lines and appurtenances thereto on and across any and all lands in and near the Sand Lake/West Hertel Community, located in the Town of La Follette and the Town of Sand Lake, Burnett County, State of Wisconsin, owned by the Tribe and leased to the Housing Authority, together with the right to thereafter use, operate, inspect, repair, maintain, replace, and remove said lines and appurtenances

CERTIFICATION

I, the undersigned, as Secretary of the St. Croix Chippewa Housing Authority, hereby certify that the Housing Authority Board of Commissioners is composed of 3 members, of whom 3 being present, constituted an quorum at a meeting thereof duly called, convened, and held on this 12 day of November, 2003; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said resolution has not been rescinded or amended in any way.


Secretary
St. Croix Chippewa Housing Authority

ST. CROIX CHIPPEWA HOUSING AUTHORITY

RESOLUTION NO 11-12-03-02

USE OF STREET AND ALLEYS - WASTEWATER PROJECT

WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the Tribe) intends to construct, operate, and maintain a community wastewater system in the Sand Lake/West Hertel community, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys owned by the Tribe, and

WHEREAS, the Tribe has leased lands in the Sand Lake/West Hertel Community to the St. Croix Chippewa Housing Authority (the Housing Authority) for the purpose of providing housing to tribal members, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys leased by the Housing Authority,

NOW, THEREFORE, BE IT RESOLVED that the Housing Authority hereby creates a non-exclusive dedication in perpetuity of the streets and alleys in the Sand Lake/West Hertel community, owned by the Tribe and leased to the Housing Authority, for the construction, operation, and maintenance of the lines and appurtenances of the wastewater system.

CERTIFICATION

I, the undersigned, as Secretary of the St. Croix Chippewa Housing Authority, hereby certify that the Housing Authority Board of Commissioners is composed of 3 members, of whom 3 being present, constituted an quorum at a meeting thereof duly called, convened, and held on this 12 day of November, 2003; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said resolution has not been rescinded or amended in any way.

John P. Edwards
Secretary

St. Croix Chippewa Housing Authority

St. Croix Tribal Council

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ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

RESOLUTION NO. 11 12 03 01

INSTALLATION OF LATERAL WASTEWATER SERVICE LINES


WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the Tribe) intends to construct, operate, and maintain a wastewater system in the Sand Lake/West Hertel community, and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys owned by the Tribe, and

NOW THEREFORE BE IT RESOLVED, that the Tribe hereby creates a non-exclusive dedication in perpetuity of any and all lands owned by the Tribe in and near the Sand Lake/West Hertel community, located in the Town of LaFollette and the Town of Sand Lake, Burnett County, State of Wisconsin, as are necessary for the purpose of installing, using, operating, inspecting, repairing, maintaining, replacing, and removing later wastewater collection lines and appurtenances thereto.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Tribal Council of the St. Croix Chippewa Indians of Wisconsin, hereby certify that the Tribal Council is composed of 5 members, of whom 3 being present, constituted a quorum at a meeting thereof duly called, convened, and held on this 12 day of Nov., 2003; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said resolution has not been rescinded or amended in any way.


Leo Butler, Secretary/Treasurer
St. Croix Tribal Council

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ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

RESOLUTION NO. 11-12-03 02

USE OF STREET AND ALLEYS - WASTEWATER PROJECT

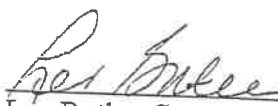
WHEREAS, the St. Croix Chippewa Indians of Wisconsin (the Tribe) intends to construct, operate, and maintain a community wastewater system in the Sand Lake/West Hertel community; and

WHEREAS, some of the lines and appurtenances of the above system will be upon the property and under the streets and alleys owned by the Tribe,

NOW THEREFORE BE IT RESOLVED, that the Tribe hereby creates a non-exclusive dedication in perpetuity of the streets and alleys in the Sand Lake/West Hertel community, owned by the Tribe, for the construction, operation, and maintenance of the lines and appurtenances of the wastewater system.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Tribal Council of the St. Croix Chippewa Indians of Wisconsin, hereby certify that the Tribal Council is composed of 5 members, of whom 3 being present, constituted a quorum at a meeting thereof duly called, convened, and held on this 12 day of NOV., 2003; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said resolution has not been rescinded or amended in any way.


Leo Butler, Secretary/Treasurer
St. Croix Tribal Council