

**Title 4. Environment and Natural Resources – Chapter 408**  
**SANITATION ORDINANCE**

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**408.1. Purpose and Policy**

408.1-1. Purpose. The purpose of this Ordinance is to assure that any water and sanitary utilities that are developed within the jurisdiction of the Oneida Tribe shall be operated and maintained in a manner that is fiscally responsible, responsive to customer needs, environmentally safe and governmentally functional. It is further the purpose of this Ordinance to include safe collection of solid waste refuse and recyclable material.

408.1-2. Policy. Where the conditions imposed by a provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. At a minimum the discharge limits and pretreatment standards as stated in the Green Bay Metropolitan Sewerage District (GBMSD) Sewer Use Ordinance and the City of De Pere's Waste Water Treatment Facility (WWTF) Ordinance shall be applicable.

**408.2. Adoption, Amendment, Repeal**

408.2-1. This law is adopted by the Oneida Business Committee by Resolution # BC-4-20-90-B and amended through Resolutions BC-5-15-91-P, BC-5-7-92-C, BC-9-2-98-A, BC-6-30-04-H and BC-10-20-04-B.

408.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

408.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

408.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this law.

408.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

**408.3. Definitions**

408.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) Annexation. The Oneida tribal process used to expand the sewer or water service area boundaries.

- (b) As Built. A plan view of plot with facilities drawn as they were constructed. Typically this is drawn at 1 inch = 50 feet on an Engineers Scale. Critical dimensions of facilities should be tied to building corners as needed. Proper separations of facilities, and property lines should also be dimensioned. Critical dimensions are called out on the plan because they are not to be scaled.
- (c) Building Sewer. The lateral which is the length of pipe from the property line to the building.
- (d) Department. The Oneida Utilities Department.
- (e) District. The Oneida Tribal Sanitary District encompassing land and waters within the exterior boundaries of the Oneida Indian Reservation, as is indicated by the attached legal description.
- (f) Emergency. Detriment to health, safety and welfare of the public.
- (g) Equivalent. A unit charge equivalent shall be regarded as one (1) unit to equal one (1) residential home which equals three people, which equals 210 gallons per day.
- (h) Gross Misconduct. Inappropriate disclosure of confidential information, misuse of Department funds and/or information; and attending meetings under the influence of alcohol or other nonprescription drugs.
- (i) Lateral. Building sewer which is the length of pipe from the property line to the building.
- (j) Manager. The manager of the Oneida Utilities Department.
- (k) Private Interceptor Main Sewer. A privately owned sewer serving two (2) or more buildings not directly controlled by the Department.
- (l) Public Sewer. Tribal facilities used for collecting, transporting, pumping, metering, sampling, treating, and disposing of waste water.
- (m) Public Water. Tribal facilities used for the treatment and providing of potable water.
- (n) Reservation. That area within the exterior boundaries as set out in the 1838 Treaty with the Oneida, 7 Stat. 566, and that land purchased and held by the United States of America in trust for the Oneida Tribe of Indians of Wisconsin outside those exterior boundaries.
- (o) Stub Length. The length of pipe extending between the main sewer and the connection at the property line.
- (p) Tribe. The Oneida Tribe of Indians of Wisconsin.

#### **408.4. Sanitary District and Utilities Department**

408.4-1. Utilities Department. The Oneida Utilities Department shall serve as the administrative Department for the Public Sewer and Public Water, including the Public Sewer and Public Water facilities within the District.

- (a) Purpose. The Department shall be responsible for assuring that the operation of the systems set out in this Ordinance adheres to the dictates of the Ordinance and any regulations promulgated are fiscally responsible and viable, and that the systems are responsive to the needs of its customers.
- (b) Meetings. The Department shall meet with the Facilities Planning Committee, or its successor, when business demands require attention, but not less than once a month.
- (c) Responsibilities. The Department shall be responsible for providing management and responsibility for the Public Sewer and Public Water systems. It shall enter into business contracts, consistent with Tribal contracting policies, and do all things necessary

to carry out the responsibilities hereunder.

(d) Powers. The Department, shall have the following powers:

(1) Construct. To construct water and sewer lines for public use and lay such lines in and through the alleys, streets and public grounds within the Reservation;

(2) Operations. To carry out responsibilities necessary to manage the Public Water and Public Sewer systems.

(3) Right of Entry. To enter upon land for the purpose of making examination or supervise in the performance of its duties under this Ordinance without liability thereof;

(4) To contract and/or provide for safe collection of solid waste refuse and recyclable material and to charge and/or seek grants for the same.

(5) Establish rates and charges for collection of solid waste refuse and recyclable material for tribal residences within the exterior boundaries of the Oneida Reservation whether on fee or trust lands, and to charge tribal members and tribal entities for such services provided.

(e) Rates and Charges. The Department shall establish rates and charges for the services provided by the Public Water and Public Sewer systems and shall charge the customers of the Tribe for such services as specifically provided in 408.8-1.

#### **408.5. Management and Finances**

408.5-1. The Manager shall oversee operations of the Public Sewer and Public Water systems.

408.5-2. Accounting services shall be provided by the Tribe. A special account shall be specified for the Sanitary District. The financial records shall be open to any entity that provides, lends or grants money to the Oneida Tribe for the benefit of the Public Sewer and Public Water systems. Said records shall be open to residents of the District or their duly authorized representatives as long as appropriate notice is given to the Tribal Treasurer.

(a) Records and Accounts. Accounting records for the Public Sewer and Public Water systems shall be maintained by the Tribe's Accounting Department.

(b) Audits and Reports. The accounts of the District shall be audited annually at the close of the tribal fiscal year. Annual and periodic reports will be submitted by the Department upon request.

(c) Insurance. Insurance shall be maintained on property in which the Tribe has an insurable interest and shall be in amounts and type of coverage specified by the Oneida Business Committee.

(d) Fiscal Year. The fiscal year of the District shall be the same as the fiscal year of the Tribe.

(e) Leasing or Management of Lands. The Department may negotiate leases with individual owners of lands for leasing privileges under mutually agreeable terms. Final action and authority to execute leases on behalf of the Department shall be approved by Oneida Land Commission, or its successor, and Oneida Business Committee before becoming effective.

#### **408.6. Unlawful Actions and Requirements**

408.6-1. Unlawful Deposit of Waste. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner, upon any property within the Reservation, any human or animal excrement, garbage or other objectionable waste.

408.6-2. Treatment of Sewage Required. It shall be unlawful to discharge into any natural water course within the Reservation any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance or other applicable law, rule or regulation.

408.6-3 Unlawful Sewage Disposal Facilities. It shall be unlawful to construct or maintain any privy, septic tank, cesspool or other facility intended or used for the disposal of sewage within the Reservation unless said facilities are in compliance with the terms or requirements of the ordinance entitled, "On Site Waste Disposal Ordinance".

408.6-4. Disconnection of Sewer. It shall be unlawful to be disconnected from a Public Sewer for any reason without prior written notification to, and approval of, the Manager.

(a) No approval shall be given unless the disconnection is lawful under Tribal ordinances and other applicable laws, and satisfactory protection is given by the owner or his contractor to the Department, including but not limited to, the satisfactory capping of the public sewer.

(b) Sewer service charges for any structure disconnected from the sewer or to be disconnected shall continue until such disconnection is approved by the Manager.

408.6-5. Discharge Limits and Pretreatment Standards. Discharge limits and pretreatment standards shall be the same as those that are stated in GBMSD Sewer Use Ordinance and the City of De Pere WWTF Ordinance and shall be adhered to.

408.6-6. Connections to Public Sewer

(a) Failure to Connect or Repair a Sewer System. If any connection to a Public Sewer, or if any needed repair to a sewer system is not made within the time and in the manner provided in this Ordinance, the Manager may issue an order causing a connection or repair to be made by the Department.

(1) Such order may be issued only after proper notice to the owner stating that the owner has a right to a hearing with the Department on the matter. If the owner cannot be located, notice of said right to a hearing shall be attempted to be served and/or published pursuant to tribal law.

(2) Upon making the necessary connection or repair, the Manager shall certify the amount of the cost of making such connection or repairs and may cause a lien to be filed on said property in the appropriate county as well as with the Tribe. If the land is not in fee status, said debt shall be filed with the appropriate Oneida Tribal office or agency. An escrow account shall be established in order to cover said payments.

(3) Upon such filing, the cost of connection or repair together with interest at one (1%) percent over N.Y. prime rate per annum which shall become a lien against the property.

(4) The above remedy shall be in addition to any other remedy or penalty for violation of the terms of this Ordinance.

408.6-7. Unlawful Connection to a Public Sewer. It shall be unlawful for any person or entity to make or cause to be made any connection to the Public Sewer without first receiving a permit from, or executing the standard participation contract provided by the Department.

408.6-8. Mandatory Hook-Ups. It shall be unlawful for any person who has been ordered, pursuant to the Oneida Waste Disposal Ordinance, to connect any property to the Public Sewer,

(a) to fail to hook-up said property to the Public Sewer within six(6) months of the date of such order, or (b) to fail to abandon all septic tanks within six (6) months of the date of notice of said

order.

408.6-9. Connection of Outside Property. The owners of property or individuals outside the boundaries of the District may enter into a contractual agreement within the District for service. The Department must consent before the property may be connected to the sewer system within the District and obtain sewage disposal. Such property shall be added to the District by means of an Annexation process pursuant to Oneida Tribal law.

408.6-10. Cost. The cost of constructing the stub length shall be borne by the Department. The owner of the property served shall be responsible for contracting with a licensed plumber to connect the lateral and shall pay the Department such connection charge as shall be established by the Department.

408.6-11. Preliminary Treatment Facilities: Maintenance. Where preliminary treatment facilities are provided for any waters or wastes generated by any property connections to the Public Sewer, such facilities shall be maintained continuously in satisfaction and effective operation by the owner of such property at his expense. Maintenance records of such facilities, along with chemical test data, shall be provided to the Manager on a weekly basis. Any exceeding of preset discharge limits shall be reported to the Manager immediately upon discovery. The Department shall be allowed access, upon reasonable notice, to audit discharge records and test data. Any pretreatment orders shall be issued by the Department and shall be issued subject to the pretreatment standards listed in the City of De Pere's WWTF Ordinance.

408.6-12. Industrial Wastes: Control Manhole. When required by the Manager, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement for the wastes.

(a) Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Manager. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(b) The owner of any structure which will discharge industrial or commercial waste to the Public Sewer shall obtain from the Manager a discharge permit prior to construction of a new facility or connection of any existing facility to the Public Sewer. Such a permit will include specific limits on the waste to be discharged by volume, chemical composition, BOD and suspended solids. It shall also specify testing requirements and frequency of testing. Should the permitted facility fail to maintain the discharge limits, the discharge permit may be revoked or modified by the Manager.

(1) If a discharge is in violation of an existing discharge permit, the permit may be modified or revised to limit the discharge to levels which will allow GBMSD to operate within its discharge parameters. This modification shall be made by the Department.

(2) A permit application may be denied if a proposed use created a potential for the treatment plant to exceed discharge limits or should the discharge be detrimental to the operation or function of the treatment facility or appurtenances.

408.6-13. Unlawful Activity. The Manager may order the owner of any property connected to the Public Sewer to cease any unlawful activity, or any activity which the Manager determines endangers the health of the public and/or the operation of the Public Sewer, immediately or within such period of time, not to exceed three(3) months, as the Manager shall provide in notice to such owner.

#### **408.7. Standard Participation Contract**

408.7-1. Eligible properties, either inside or outside of the District, upon annexation, may be connected to the Public Sewer and served thereby, upon prior payment of appropriate fees, when the owner thereof executes a standard participation contract and the Department concurs therewith.

408.7-2. Standard Participation Contract: Terms. The standard participation contract shall provide the following:

- (a) That the property owner warrants that he is the owner or original allottee of that property with full authority to bind the property with the covenants and conditions contained in the contract, or that he is a tenant on tribal land and has authority to bind the property pursuant to the lease with the tribe.
- (b) That the property owner shall subject his property to the terms of the contract and shall use the Public Water and/or Public Sewer systems of the Tribe in accordance with the rules and regulations of the Tribe as they may be amended from time to time, and that the property shall be subject to the regular schedule of service charges as may from time to time be fixed by the Department for its use classification and shall be subject to the terms and conditions of this Ordinance.
- (c) That the property described in the contract shall be the only property served with water and/or sewer service pursuant to that contract.
- (d) That the property subject to the contract shall be subject to liens, penalties and interest for non-payment of service charges to the same extent as any other property served by the Tribe.
- (e) A contract pertaining to fee status lands shall be filed for the record in the appropriate county and with the Tribe and it shall constitute a charge against that property and a covenant running with the land and it shall bind the property and all future owners thereof.
- (f) A contract pertaining to tribal or allotted land shall be filed with the Tribe and it shall constitute a charge against that property and a covenant running with the land and it shall bind the property and all future occupants.
- (g) The above contracts shall be filed with the Bureau of Indian Affairs by the Oneida Tribe, and shall be submitted to the Secretary of the Interior for his approval, if required by federal law.
- (h) In order to protect the interests of the Tribe and Public Water and Public Sewer systems, the Department may require other conditions and provisions to be inserted in the contract as the individual case may warrant.
- (i) The Department shall reserve the authority to pursue individual standard participation contracts with all land owners in the Reservation.

#### **408.8. Charges, Fees and Rates**

408.8-1. Charges, Fees and Rates. Permit fees, connection charges, service charges, rates and any other fees or charges related to the services provided by the Public Water and Public Sewer shall be set by the Department in such sums as the Department shall fix from time to time in a manner consistent with all applicable federal and tribal statutes and regulations. The Oneida Business Committee shall approve such fees and charges prior to levy.

408.8-2. Delinquent Payments and Billings. Billings and delinquency charges shall be

administered pursuant procedures adopted by the Department.

408.8-3. Contested and/or Appealed Billings and Delinquent Payments. Contested and/or appealed billings and payments shall be dealt with pursuant to appropriate procedures adopted by the Tribe which shall be available to all customers of the Tribe.

408.8-4. Customer Charge System.

(a) To the extent possible the Department shall set its fees, rates, and charges proportionate to customer use and at levels high enough to obtain sufficient revenues to pay the cost of:

- (1) any required cash reserve account payments;
- (2) loan payments;
- (3) payments on any bonded indebtedness; and
- (4) present and future operation and maintenance of the Public Water and Public Sewer systems.

(b) All customers shall be classified as one of the following:

- (1) residential
- (2) commercial/institutional
- (3) industrial.

(b) Residential customer shall be charged as least quarterly on the basis of customer charge equivalents. The charges shall be at least sufficient to pay the user's proportionate share of the annual cost of operation and maintenance of the sewer system, as appropriate, including a replacement fund.

(d) Commercial/institutional and industrial customers shall be charged on at least a quarterly basis a metered usage at a unit price per volume sufficient to pay the annual cost of operation and maintenance of the water and/or sewer systems, as appropriate, including a replacement fund.

(1) sewer user charges for all sewer system users shall be determined on an equivalent unit charge basis. All system users shall be charged at least on a quarterly basis. The calculations for determining these rates shall be available at the Department.

(2) the sewer user charges shall be at least sufficient to pay the user's proportionate share of the annual costs of operating the Public Sewer including replacement costs. The user charges should be reviewed and updated no less than annually.

(3) operation and maintenance cost are defined, per the requirements of the Wisconsin Department of Natural Resources Wisconsin Fund Grant Program, to include replacement costs. That is a separate fund must be established in which monies will be accumulated to pay the cost " . . for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance (of the sewage works)during (its)service life. . ." the method of determining the replacement costs is to utilize the installed cost of these facilities, excluding the cost for technical, legal, administrative and other fees since such costs will generally not be required when the item is replaced, and to assign a service life to such facilities in order to estimate when replacement will be require. A "sinking fund factor", at five percent , is then utilized to determine the amount of money to be collected per year for replacement. It is anticipated that such funds will be invested by the Oneida Tribe in an interest

bearing account until required. The budget for annual operation and maintenance and replacement cost shall be available at the Department.

(4) To determine unit charge equivalents it is assumed that one unit equals one residential home of three people using the theoretical sewage per day per residential home. The equivalent to be used are determined by type of user. The sewer system user charge per equivalent shall be determined by dividing the annual system costs by the number of equivalents. The unit charge equivalents shall be available at the Department.

(5) The charge for users shall be proportional by the number of equivalent by user type. Users shall be notified annually of the portion of user charges attributable to wastewater treatment services.

(6) Normal domestic strength wastewater shall mean wastewater with concentration of BOD5 and suspended solids no greater than 200ppm, and phosphorus concentration no greater than 9.6 ppm. This concentration corresponds to the Billing Procedures Ordinance approved by the GBMSD. The user charge system takes precedence over pre-existing agreements consistent with the governing regulation of this program.

(7) Non-residential customers shall be charged for wastewater concentrations in excess of normal domestic strength wastewater as assigned by the Department. The assigned strength shall correspond to the strengths adopted by the GBMSD.

(A) The current strengths are as follows:

(i) Residential:

BOD	200ppm
SS	200ppm
Phosphorus	9.6ppm

(ii) Industrial:

BOD	Sampled ppm
SS	Sampled ppm
Phosphorus	Sampled ppm

(iii) Commercial:

BOD	200ppm
SS	200ppm
Phosphorus	9.6 ppm

(B) The rates charged for wastewater concentrations in excess of normal domestic strength wastewater shall be the same as the rates charged by the GBMSD.

#### **408.9. Building Waterline/Sewers and Connections**

408.9-1. Non-Authorized Connections and Disturbances Forbidden. It shall be unlawful for any person other than representatives of the Department to use, alter, or disturb any of the Public Water or Public Sewer facilities of the Tribe or appurtenances thereof, without first obtaining a written permit from the Manager. Said permit shall contain a provision for emergency repair and for inspection by the Manager.

408.9-2. Building Waterline/Sewer Permits. There shall be three classes of building waterline/sewer permit:

- (a) residential services;
- (b) commercial/institutional services; and
- (c) service to establishments producing industrial waste.

In each case, the owner or his agent shall make application on a special form furnished by the Department. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Manager, including in case of a new building a plan or diagram of plumbing and drainage facilities.

408.9-3 Procedure for Obtaining Permits. Building waterline/sewer permits shall be obtained in the following manner:

- (a) Building sewer permits shall be issued only upon proper application at the main office of the Department.
- (b) A permit which includes building waterline/sewer work in a public area may be issued only to a license sewer contractor, master plumber, or master plumber restricted or who is registered with the Tribe.
- (c) A permit which includes building waterline/sewer work on private property only may be issued to the owner of the property or to a licensed building sewer contractor registered with the Tribe.
- (d) It shall be unlawful for any licensed contractor to lay any pipe pursuant to any other person's permit or for any unauthorized person to lay any pipe pursuant to a licensed building sewer contractor's permit.
- (e) The applicant for a building waterline/sewer permit shall supply the Manager with the following information
  - (1) owner's name and telephone (work & home);
  - (2) address to be served and name of county;
  - (3) owner's mailing address;
  - (4) name and address to which bills shall be mailed;
  - (5) licensed building sewer contractor's name;
  - (6) legal description of property to be served;
  - (7) all outside dimensions of building to be served;
  - (8) location of buildings on property to be served;
  - (9) purpose of building;
  - (10) full course of the proposed lateral; and
  - (11) fixture unit, load.
- (f) No permit will be issued for lateral connection before the public waterline/sewer is accepted by the Department.
- (g) The permit card must be posted on the job and must be readily accessible to the inspector for the Department.
- (h) A licensed building contractor shall meet with the inspector on the job whenever so directed by the Manager.
- (i) Permits shall be denied or approved within ten (10) working days of the submitted application and immediate notification of approval or denial shall be sent in writing to applicant.
- (j) No waterline/sewer permit shall be transferable.
- (k) The building waterline/sewer permit fee shall be set by the Department.

408.9-4 Building Waterline/Sewer Contract. Building waterline/sewer contract between owners and licensed building sewer contractors shall be subject to the following requirements:

(a) The contract between the owner and the licensed building sewer contractor shall provide that the building sewer contractor shall connect all outlets from plumbing fixtures existing at the time the work is done unless specifically noted otherwise on the approved permit application.

(b) The contractor shall, when requested by the owner, furnish the owner with a release of lien or claims of both labor and material or with an affidavit stating same have been paid before payment is accepted for the lateral work.

(c) The contract shall require that the road base, when disturbed, be returned to its previous condition.

(d) A road excavation permit shall be required from the appropriate local government;

(e) Said road shall be inspected and approved by the appropriate designee of the

Department.

408.9-5. Wyes Tees, Stubs: Location, Inspection Riser. Wyes, tees, and stubs shall be located in the following manner:

(a) Connection will be made at the point designated by the Department.

(b) If a lateral tee or stub is not found at the measurement given by the Manager, the contractor shall prospect three feet in all directions from the measurement given and if not found, then notify the Manager.

(c) Wyes may be used only if the Manager permits and at a location approved by the Manager.

(d) An inspection tee with a riser should be at grade with sleeve if needed, to not less than one foot from the surface of the ground shall be placed on every building sewer at or near the connection to a common sewer, the location to be approved by the Manager. The tee shall be capped with a cast iron cover. If the inspection tee is located on private property, the Department shall have the right to enter onto that private property and excavate to the inspection tee at any time where there is reasonable doubt on the legal use of the building sewer, but the Department shall restore to original condition, as specified, after such excavation. An as-built plan locating the inspection tee for all hook-ups is required. The plan shall locate the tee from two fixed reference points.

408.9-6. Costs of Building Sewer Borne by Owner. All costs and expenses incident to the installation and connection of a private interceptor main sewer or the building sewer shall be provided for every building unless the connection of more than one building to a single building sewer is approved by the Department prior to the construction of such building sewer. If a private interceptor main sewer is to exist, approved documents assuring that all properties involved shall have perpetual use of the private interceptor main sewer, and having provisions for maintenance and access for repair purposes, shall be signed by the recorded owners. Approval by the Department is required prior to the installation of the private interceptor main sewer. No more than one multiple dwelling, industrial or commercial building shall be connected to a building sewer, unless otherwise approved by the Manager. If the building sewer is to exist on more than one building site, approved documents assuring that all properties involved shall have perpetual use of the lateral and having provisions for maintenance and access for repair purposes, shall be signed by the recorded owners. This document shall be acknowledged and recorded with the County Register of Deeds and the Tribe if land is owned in fee status. This document shall be filed with the Tribe if land is in non-fee status.

408.9-7. Pre-Existing Building Waterlines/Sewers. Pre-existing building waterlines/sewers, including septic tank lines, may be used only when they are found, on examination and test by

the Manager, to meet all requirements of this Ordinance.

408.9-8. Plumbing and Building Waterlines/Sewer: Specifications. All building waste plumbing shall be constructed in conformance with the Wisconsin Plumbing Code. Building sewers shall be constructed of approved materials and shall conform to applicable provisions of the standards used by the State of Wisconsin. All pressure laterals shall be constructed of suitable air and water tight joints and conduit as approved by the Department. Wisconsin standards shall be used for guidance unless and until tribal standards are adopted.

408.9-9. Building Waterline/Sewer: Size and Slope. The size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the diameter be less than four inches for single connections and six inches for multiple connections. The slope of such building waterline/sewers shall be not less than one-fourth (1/4) inch per foot or sufficient to allow a flow of at least two feet per second.

408.9-10. Building Waterline/Sewer: Elevation, Direction. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid under any building within two and one-half (2 and 1/2) feet of any foundation wall, unless the building sewer is constructed of a Schedule PVC. The minimum depth of trench shall be two (2) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe fittings, as approved by the Manager. Fittings shall be used at all major changes of direction greater than 45% and cleanout shall be provided at such fittings. Wherever any building drain is constructed too low to permit gravity flow to the Public Sewer, sewage carried by such drain shall be lifted by approved artificial means and discharged to the public sewer at the owner's expense.

(a) Pre-existing building waterline/sewers serving a house with a septic tank may come through wall down to eighteen (18) inches below a grade, a variance for such existing sewers shall be applied for and approved by the Department subject to recommendations of the Manager if they are deemed necessary for the safe operation of a sanitary system.

(b) Building sewers crossing under sidewalks or driveways shall require insulation, polystyrene R-10, or be of sufficient depth to be below the frost line. Plans for crossing and backfilling shall be provided to the Department and shall be subject to approval of the Manager.

408.9-11. Information from Department. The owner of any building shall be responsible for obtaining from the Manager, the location and elevation of the sewer tee or sewer stub at the point of connection and, in the case of new construction, for planning the building and plumbing to provide adequate slope for the building sewer. The applicant for permit shall be responsible for determining the available grade between building drain and sewer tee or stub.

408.9-12. Building Sewer: Excavation, Pipe Laying. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the following specifications:

(a) Pipe shall be carefully bedded by over excavating and bedding with approved granular material which shall be thoroughly tamped or trod under and alongside the pipe.

(b) No large rocks which may damage the pipe shall be left in the trench bottom and no large rocks shall be placed in the backfill.

(c) Pipes shall be laid with spigot ends downstream and all changes of direction shall be made by suitable fittings. Trench shall be free of water during laying of pipe.

(d) No backfill shall be placed over the pipe until the work has been inspected and approved by the Department.

- (e) Backfill shall be placed by hand and be thoroughly tamped and or/ trod to six(6) inches above the top of the pipe, until installation has been approved by the Manager.
- (f) Only a licensed plumber may excavate in the vicinity of a Public Sewer or stubs.
- (g) No downspouts, outside drains, sump pumps, footing drain or any other source of clearwater waste shall be connected to a building sewer.
- (h) Special bedding and construction methods shall be required where deemed necessary by the Manager to protect public or private property.
- (i) All sewer construction including laterals, mains, building sewers and private interceptor main sewers shall comply with Federal OSHA Safety Requirements.
- (j) Sewer mains, laterals, building sewers and private interceptor main backfill shall be compacted to 95% compaction. The manner of compaction shall be approved by the Manager prior to construction.
- (k) All domestic wastes, including laundry wastes shall discharge to the Public Sewer.

408.9-13. Building Sewer: Connection to Public Sewer. The connection of the building sewer into the Public Sewer shall be made at the stub, if such stub is available at the suitable location. If no properly located stub is available, a neat hole may be cut into the Public Sewer to receive the building sewer, with entry at right angles or in the downstream direction at an angle of about forty-five degrees. Said hole may be cut only by a licensed sewer contractor. A forty-five degree well may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the Public Sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the Public Sewer. A smooth neat joint shall be made, and the connection made secure and water tight by installation of P.V.C. saddle joints. Special fittings may be used for the connection only when approved by the manager.

408.9-14. Building Water/Sewer: Inspection. The applicant or his authorized agent, for the building permit shall notify the Manager when the building water/sewer is ready for inspection. The applicant shall provide twenty-four (24) hour advance notice of inspection. Said inspection shall be completed within twenty-four (24) hours of notification by applicant.

- (a) All building water/sewer or laterals shall be tested by the time pressure drop method as prescribed by the Manager. The test shall be performed by the applicant or his representative and the Manager shall inspect and observe the testing.
- (b) Proof that downspouts are not connected to building sewers may be established by watering roof gutters and observing flow through inspection tee or by any other test acceptable to the Manager.

408.9-15. Public Protection and Restoration: Excavations. All excavations for building water/sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to its previous condition.

408.9-16. Plan Approval. All design plans and specifications which are prepared by engineering firms registered with the Tribe shall be submitted to the Manager for review. No construction shall be initiated prior to written approval of the plans and specifications by the Manager. Approval by the Manager shall in no way be a warrant of the adequacy of said plans and specifications by the District or relieve the applicant from providing functioning facilities constructed in accordance with applicable codes and standards. The Manager may consult with the Facilities Planning Committee prior to approval of said plans and specifications as deemed appropriate by the Manager.

408.9-17 Minimum Plan Requirements. Minimum requirements for sewer plans which are submitted to the Manager for review are as follows:

- (a) All documents shall be submitted in triplicate, two sets of which will be retained by the Department and one set will be returned to the applicant.
- (b) A plat of the area in which sewers are to be constructed. Said plat, is to be approved by the Oneida Land Committee and reviewed by the Oneida Planning Office prior to construction.
- (c) A map showing the location of the plat in relation to the surrounding area.
- (d) A contour map of the plat with contour intervals of two feet or less.
- (e) A plan and profile showing the location and depth of all proposed utilities.
- (f) A plan map of the sewer system at a one inch equal to fifty feet horizontal scale showing streets, lot lines, dimensions and location of bench marks and monuments
- (g) A profile of the finished road grades showing one inch equal to fifty feet horizontal scale and a one inch equal to ten feet vertical scale with the sanitary sewers and other pertinent underground utilities located thereon. The elevation datum must be noted.
- (h) Detail sheets as required to clearly indicate the construction details for all of the sanitary sewer facilities to be constructed, including manholes, lampholes, service laterals, street repairs, etc.
- (i) Specifications as required to describe the work
- (j) Plans shall be signed and stamped by the master plumber, M.P.R.S.W., licensed plumbing designer, or an engineer, licensed by the State of Wisconsin and the Oneida Tribe.

408.9-18. Minimum Construction Requirements:

- (a) All streets and roadways shall be graded to a minimum six (6) inches of final grade before installing the sewer lines for new road construction.
- (b) All water/sewer contractors shall be licensed and bonded under the laws of the Tribe and the State of Wisconsin.
- (c) All water/sewer lines, laterals, manholes and cleanouts shall be tested hydrostatically or with the proper use of air testing equipment as specified by Wisconsin Code.
- (d) The minimum requirements for extensions which are to be designed by the District shall be the submittal of five sets of plans of the approved plat in which sewer extensions are desired, together with final street grades.

408.9-19. Permits for Water/Sewer Construction. The applicant shall obtain all necessary permits at his own expense and shall pay all applicable fees and connection charges prior to construction.

408.9-20. Fees for Lateral Design and Engineering. Where lateral extensions are to be designed by the Department at the option of the applicant, fees for engineering and inspection and other services required to be performed by the Department shall be in such sums as are determined by time and materials, unless otherwise provided by regulations of the Department.

408.9-21. As Built Plans. Upon completion and acceptance of such construction, duplicate sets of plans and specifications indicating any deviations As Built from plans and specifications previously submitted shall be submitted to the Department by the applicant for approval.

- (a) As Built plans should include a final blueprint of the permitted project as installed.
- (b) Changes must be approved by the Manager.

408.9-22. A two way clean out will be placed in the service line approximately five (5) feet from the house and not more than 100 feet from the sewer main.

#### **408.10. Building Water/Sewer Contractors**

408.10-1. Plumbers License Required. For the purpose of assuring safe and quality construction of building water/sewers, safe and quality connection of building water/sewers to the public water/sewers of the Tribe, and affording satisfactory protection to the customers of the Tribe, it shall be unlawful for any person to construct, install, repair, reconstruct, excavate or connect to the water/sewer of the Tribe any building water/sewer, other than by a licensed building water/sewer contractor holding a valid license of the Tribe and the State of Wisconsin.

408.10-2. License: Standards, Application. Sewer contractor licenses shall be issued by the Department based on information contained on application and obtained from other reliable sources relating to the experience, ability to perform the necessary work and reputation of the applicant and his satisfying the requirements of this section. All applicants for the license shall complete an application furnished to the Department which shall require the applicant to provide information relating to his experience, ability to perform building water/sewer work and personal, financial, and previous work references. The application may be in the form of a contract whereby the applicant shall agree to abide by the building water/sewer and building sewer contractor requirements of this Ordinance.

408.10-3. Building Water/ewer Contractors: Bond, Insurance. Every applicant for a license must, prior to the issuance of the license to him, deposit with the Department:

(a) A surety bond in favor of the Tribe in the amount of \$5,000.00 with a surety or sureties thereon approved by the Department and conditioned that he will perform the obligations of the application contract (if the application is in contract form) and the resolutions and requirements of the Tribe relating to building sewers and building sewer contractors, and

(b) Satisfactory proof that the applicant currently carries umbrella insurance coverage.

As long as a water/sewer contractor has a license, he shall maintain such bond and insurance, and such additional limits as may be required from time to time, and shall furnish proof thereof to the Department.

408.10-4. Building Water/Sewer Contractors: Responsibilities. Every licensee water/sewer contractor shall:

(a) Post a valid building sewer permit at the site of the work prior to commencing the work relating thereto.

(b) Contract for work using only the standard form of building water/sewer contract approved by the Department, executed in duplicate or more copies, which shall provide:

(A) A clear description, including sketch, of the work to be performed and the materials to be used; and

(B) That workmanship and materials shall be guaranteed for a period of one-year after installation and acceptance thereof.

(c) Adhere at all times to the then current requirements of the Department for building sewers and building sewer contractors, including such reasonable requirements of the Manager relating to construction, installation, reconstruction and repair.

(d) Shall be liable for all damages to the Public Sewers or sewage works of the District/Tribe caused by his work.

408.10-5. License: Revocation, Suspension. The license of a building water/sewer contractor may be revoked by the Department at a regularly scheduled Facilities Planning Committee meeting or temporarily suspended by the Manager until the next meeting of the Facilities Planning Committee for any one of the following causes:

- (a) Fraud or misrepresentation in applying for or maintaining the license.
- (b) Failure to observe the rules and regulations of the Department relating to building water/sewers and building sewer contractors.
- (c) Failure to pay for labor or materials used in the construction of building sewers.
- (d) Fraud or misrepresentation to the owner, occupant or agent or representative thereof for the purpose of obtaining a contract for the construction of a building water/sewer, or during the course of work done pursuant to such a contract, and including the failure to adhere to the standard lateral contract.
- (e) Failure to correct a violation and/or failure to make an appropriate payment within thirty (30) days of receipt of notice covered by the guaranty in the standard lateral contract.
- (f) Failure to pay for work performed by the Department, or caused to be performed thereby, for which the contractor may be liable.
- (g) Failure to maintain, or, when requested, prove the maintenance of the surety bond and insurance required to be maintained as stated above.

Prior to the meeting of the Facilities Planning Committee at which action or revocation of a license will be taken, the contractor shall be notified and shall be afforded an opportunity to be heard by the Department at that meeting. If the license is revoked, or suspended, the contractor must forthwith cease any sewer construction work being performed by him within the District.

408.10-6. License: Renewal. The water/sewer contractor's license may be renewed annually by application as aforesaid and satisfaction of the requirements of this section.

#### **408.11. Violations of Ordinance**

408.11-1. Liability to Department. Any person who violates any provision of this Ordinance shall be liable to the Tribe for any expense, loss, damage cost of inspection, or cost of correction incurred by the Tribe by reason of such violation, including any expenses incurred by the Department in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction.

408.11-2. Notice of Violation. Any person or entity found violating any provision of this Ordinance shall be served with Notice, Pursuant to Oneida tribal law, by the Manager. The offender shall, within the period of time stated in said notice, permanently cease all violations and make all necessary corrections within sixty (60) days.

408.11-3. Continued Violation: Penalty. Any person who shall continue any violation beyond the time limit provided for in sec. (b) above, may be assessed a fine of not more than \$250.00. Each day a violation of this Ordinance continues beyond the time limit set forth in sec. (b) above shall be considered a separate offense. These penalties shall be in addition to any other remedy provided for herein.

408.11-4. Contested Cases. Any violation that results in a contested case shall comply with the procedures designated by Oneida Tribal law.

#### **408.12. Appellate Review**

408.12-1. Appeal. Any decision or action of the Department or Facilities Planning Committee may be appealed to an appeals body designated by the Tribe within the appropriate time period pursuant to contested case procedures.

#### **408.13. Billing**

408.13-1. Any person who has the care, custody, control or management of any premises or building, or who has control of the operation thereof or the collection of rentals therefrom shall, for the purpose of this Ordinance, be deemed to be the agent of the owner of such premises or building, and the giving of all notices herein provided to that agent shall be deemed due notice to the owner.

(a) Mailing or delivery of bills for sewer service charges, permit fees, connection or trunkage charges, or other charges to that agent shall be deemed mailing or delivery to the owner.

(b) A notice of re-occupancy must be provided in advance to the Department, if a premises was previously unoccupied.

408.13-2. Billings and delinquency charges shall be controlled by such standard operating procedures the Department may enact from time to time. This shall include, but not be limited to, interest and cut-offs. Procedures of contested or appealed billings or charges shall follow those of Oneida Tribal law.

408.13-3. Customers who reside on tribal land or individual trust land shall be billed in the same manner as customers living on fee land.

408.13-4. Customers who reside on Tribal or individual trust land shall have payments of their utility bills guaranteed by the Tribe. The Tribe shall follow internal procedures to collect amounts owed to it.

#### **408.14. Real Property**

408.14-1. Entry. The Manager or the his or her designee, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance, upon twenty-four (24) hour notice to the owner/resident of the property. No notice shall be required in the case of an Emergency.

408.14-2. Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Department be necessary to the Public Water or Public Sewer systems; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Department shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the condemnation proceedings adopted by the Tribe.

#### **408.15. Water and Sewer Main Extension Rule**

408.15-1. Sewer and water mains will be extended for new customers on the following basis:

(a) Where the cost of the extension is to be collected through arrangements set by the Department against the abutting property.

(b) The Department shall recommend extension as long as said extensions comply with Oneida Tribal land use plans.

#### **408.16-1. Connections to the Public Water System**

408.16-1. All premises to which water service is made available by the placement and/or extension of water mains shall connect to the Public Water system no later than ninety (90) days from the date that service is first made available. If an unusual hardship exists, this requirement may be modified by the Department.

408.16-2. If an individual private water supply is available at the premises, such private water

supply may be utilized by the owner, provided that no cross connection shall be made between the private supply and the Public Water system. The owner of the premises shall connect to the Public Water system regardless of private water supply. The owner shall be responsible for all fees and charges resulting from the extension of water service and the connection to the Public Water system.

408.16-3. Individual residential well owners may apply to leave their well uncapped if the following conditions are met:

(a) The well be used for outside activities only, such as watering of gardens, lawns and livestock.

(b) All residential units are connected to the Public Water system and all sewers be connected only to the Public Sewer system.

(c) Each well left uncapped is tested to ensure that it meets all code requirements both for plumbing and health issues prior to that connection of Tribal water and that it be tested each following year. Cost of testing will be born by the property owner, and performed by the Department.

(d) If any well is not used for a period of one (1) year after the municipal connection, it shall be capped and the cost of capping borne by the property owner.

408.16-3. Cross Connection Prohibited. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular Public Water supply of the Tribe may enter the supply or distribution system of the Tribe, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Department.

408.16-4. Inspections. It shall be the duty of the Department to cause inspection to be made of all properties served by the Public Water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Department.

408.16-5. Right to inspect. Upon presentation of credentials, the representative of the Department shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the Tribe for cross connections. If entry is refused, such representative shall obtain a special inspection order pursuant to Oneida tribal law. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system of systems on such property.

408.16-6. Discontinuation of Service. The Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the Public Water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing pursuant to Oneida Tribal law. Water/sewer service to such property shall not be restored until the cross connections(s) has been eliminated in compliance with the provisions of this Ordinance.

408.16-7. Immediate Disconnection. If it is determined by the Department that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, a written finding to that effect shall be filed with the Department, delivered to the customer's premises and service shall be immediately discontinued. The customer shall have an

opportunity for hearing within ten (10) days of such emergency discontinuance.

**408.17-1. Miscellaneous**

408.17-1. Developer's Contract. The Department may enter into contracts with developers of real estate for construction of sewer facilities by such developers in compliance with this and other appropriate ordinances and such other terms and conditions as the Department deems proper.

408.17-2. Water/Sewer Extensions. All water/sewer extensions to the Public Sewer system shall be designed by the Department and/or a qualified engineering firm and all construction in progress shall be observed by a Tribal designee. All extensions shall be constructed and tested in conformance with tribal standards and shall be tested in the presence of the Manager or his or her designee. Upon the successful completion of the work, all sewer lines and other water/sewer facilities within the public rights-of-way and private easements required for such extensions shall be conveyed to the Tribe. Easements, where required, shall be granted to the Tribe prior to acceptance of the work.

408.17-3. Appeal. Any decision or action of the Department may be appealed to an appeals body designated by the Tribe within the appropriate time period. Procedures and rules shall be in compliance with procedures adopted by the Oneida Tribe.

408.17-4. Amendments. This Ordinance may be amended by the Oneida Business Committee at a duly called and advertised public hearing in which the public shall have the right to testify.

408.17-5. Manager Responsibilities and Limitations. The Manager shall be the Administrator of the Public Water and Public Sewer systems and all instructions and decisions made by him shall be final, but appeals from such instructions or decisions may be made as provided under this Ordinance. Where this Ordinance requires approval by permission or decision of, or instructions from the Manager, the Manager shall be guided solely by generally recognized engineering standards and practices, the operational demands and requirements of the sewer works and the peculiarities of construction, topography, soil condition or other relevant special factors affecting the specific decision to be made by the Manager.

408.17-6. Nothing contained in this Ordinance shall be construed as a waiver of the Tribe's sovereign immunity.

*End.*

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Adopted - BC-4-20-90-B

Amendments - BC-5-15-91-P  
BC-5-7-92-C  
BC-9-2-98-A  
BC-6-30-04-H  
BC-10-20-04-B