

**Milwaukee  
Metropolitan  
Sewerage  
District**

**Discharge Regulations  
  
And  
  
Enforcement Procedures**

**Chapter 4, System of Main and Intercepting Sewers,  
Extensions, and Sewer Area Boundaries**

**Adopted August 18, 1982**

**Amended January 6, 1983**

**Amended July 23, 1983**

## 4.01

Except as otherwise authorized by the District, any municipality within the Metropolitan Sewerage District service area proposed to build local sewers or extensions to existing local sewers to connect directly or indirectly to the District's sewers or extensions thereto, shall conform its plans to the plans of the District showing established and tentative sewer area boundaries and the proposed future extensions of the interceptor sewer system.

### 4.11 Definitions

1. The terms defined in sub. (2) are applicable only to Sec. 4.02 to 4.06.
2.
  - a. Sewered or served means the collection, transportation, and treatment and disposal of sanitary sewage provided by municipal or District collector sewers and treatment systems or any system of privately owned sewers tributary thereto.
  - b. Dwelling unit per net residential acre means the density of an acre of land utilizing the factors used by the Southeastern Wisconsin Regional Planning Commission.
  - c. Soils suitable for on-site sewage systems means soils suitable for septic systems as defined by the Southeastern Wisconsin Regional Planning Commission.
  - d. SEWRPC means the Southeastern Wisconsin Regional Planning Commission.
  - e. Basin Boundary means the boundary of the drainage area within the sub-watershed as defined on the sewer system maps of a local municipality and on the District's Sewer System Evaluation Survey sub-basin maps.
  - f. Sewered quarter section means any quarter section adjacent to a sanitary sewer or in which a parcel is served.
  - g. SEWRPC – 2000 Land Use Plan means the study, map and data developed by SEWRPC that was used in the SEWRPC Areawide Water Quality Management Plan (208 Plan), excluding any area Identified as sewered that is served by septic system.

### 4.02 Boundary Establishment

1.
  - a. Purpose of these Rules:

The legislature has authorized and required the Commission to determine the need to redefine the District boundary no later than 135 days following the appointment of all the Commissioners. The legislature has also required the Commission to review its boundary every biennium and has

1. a. Purpose of These Rules: (Continued)

authorized the Commission to change the boundary as appropriate after such review to include any area which is likely to receive District sewage treatment service within the next ten (10) years. The legislature has required the District to adopt rules concerning factors to be considered by rule to serve as guidance for the Commissioners in establishing and re-establishing the boundary.

b. Findings:

It is the finding of the Commission that forecasting whether an area or quarter section is likely to receive sewer service within ten (10) years or is not likely to receive sewer service within twenty-five (25) years is not capable of precision. Necessarily, any approximations must take into consideration predictions of future growth. The SEWRPC – 2000 Land Use Plan provides an independent prediction of the land use density upon which to predicate sewered development until the year 2000. The Determination of whether an area is likely to be sewered within ten (10) years are more difficult to predict. It is generally true, however, that development tends to be outward from existing sewers. Thus, inclusion on a district-wide basis of a fixed area away from existing sanitary sewers should approximate the areas likely to receive service within the next ten (10) years.

2. Areas of Legislative Concern:

The Commission shall consider in adopting any factor to be used in determining the boundary.

- a. The weight to be given to the need for private sewage systems as defined in Sec. 145.01(14), Stats., to maintain public health and welfare if an area that had, prior to November 1, 1982, been within the District but would be located outside the District boundary if the boundary were defined.
- b. The weight to be given the effect of placing an area outside the District on existing and future land use of the area and upon the property taxation of the District within the new boundary.
- c. The weight to be given to how the area is treated by any SEWRPC water Quality Management Plan or the District's Master Facility Plan (June, 1980) as it may be amended.
- d. The weight to be given to the need for equity among property located in a common drainage basin.
- e. The weight to be given to adopted and approved municipal plans for local sewer expansion and development.

3. Boundary Presumptions:

- a. Any parcel served as of November 1, 1982, is presumed likely to continue to receive sewer service.
- b.
  1. Subject to the criteria in 2., 3., and 4., any individual parcel as defined by the county tax key maps that is within 1000 feet of an existing sanitary sewer is presumed to be likely to receive sewer service within the next 10 years.
  2. If any portion of a parcel is actually sewered, the whole parcel is within the boundary.
  3. If a parcel is not sewered and 50% of the parcel is within 1000 feet of a sanitary sewer within the same basin boundary, the entire parcel is presumed likely to receive sewer service within the next 10 years.
  4. If use of 1. above results in a parcel or group of parcels surrounded by property served by the District and notwithstanding 2. and 3. above, the surrounded property is presumed to be likely to receive sewer service within the next 10 years.
- c. Any quarter section planned by a local municipality to be developed within 25 years or by the SEWRPC – 2000 Land Use Plan:
  1. To be provided with sanitary sewer and developed at a density of 0.7 dwelling units per net residential acre or more or;
  2. To be 50% or more in industrial or commercial land use, is presumed to be likely to receive service within the next 25 years.
- d. Any area served by a privately owned sanitary sewer shall be deemed to be sewered.
- e. The entire area of any property subject to a single use, such as a park, golf course, shopping center, correctional facility, and the like that is sewered, shall be deemed to be likely to receive sewerage service within the next 10 years.

4. Factors Used In Setting District Boundary:

- a. Subject to any applicable provision of Subsec. (3), the Commission will include within the District's boundary those areas set forth in par.
- b. That are within the District's sewer service area as identified by the SEWRPC Areawide Water Quality Management Plan (208 Plan) and the District's Master Facilities Plan (201 Plan). The Commission will exclude those areas having the characteristics, set forth in par.

- c. From within the District's boundary. Any area is not included within the boundary is excluded.
- b.
  - 1. Any sewer quarter section.
  - 2. Any quarter section planned by the local municipality to be developed within 25 years or by the SEWRPC – 2000 Land Use Plan.
    - a. To be provided with sanitary sewer and to be developed at a density of at least 0.7 dwelling units per net residential acre or;
    - b. To be 50% or more in industrial or commercial land use.
  - 3. Any area, parcel or group of parcels surrounded by property serviced by the District.
  - 4. Any area which, prior to establishment of the boundary under this section was within the District boundary and which after the initial resolution of the commission sent to the local municipality for its consent pursuant to Subsec. (5) (a) would be outside the District if the local municipality in which the area is located refuses to consent to its exclusion from the District.
  - 5. In the event a local municipality refuses to consent to any area identified in Subpar. 1 and 2. above, and the local municipality provides the metes and bounds description, any area within 1000 feet of an existing sanitary sewer in an area identified in Subpar. 1. and 2. above, including any privately owned sewer, provided such sanitary sewer is deemed to be within the same basin as the area to be included pursuant to Subsec. (3) (b) 3..
- (c)
  - 1. Non-Urban Lands:

Any areas not identified by the local municipality as receiving service within the next 25 years or by the SEWRPC 208 Plan as receiving sewerage service.
  - 2. Any area in a sewerage quarter section that is not within the District's sewer service area as defined by SEWRPC's Area-wide Water Quality Plan (208 Plan) or the District's Master Facilities Plan (201 Plan).

(5) Procedure:

- a. If a redefinition of the District's boundary is required because of Sec. 66.888(1) (c), the Commission shall redefine the boundary using the criteria in Subsec. (4) above. When prepared, the Commission will adopt a resolution setting forth the proposed boundary. The resolution shall be transmitted to the clerk of each municipality in which a change of the District's boundary occurs within the local municipality's boundary.
- b. Any local municipality receiving a resolution adopted under Par. (a) will consider the District's proposed boundary and act to adopt a resolution as provided in Par. © within 90 days following receipt of the Commission's resolution.
- c. The local municipality is required to consent to the exclusion of Any area that is not likely to receive sewerage service within the next 25 years and to consent to the inclusion of any area that is actually seweraged or is within 1000 feet of a sanitary sewer by virtue by Sec. 66.888(1) © 2., Stats. The local municipality may review the basin boundaries for accuracy and whether sanitary sewer service is available to a property. The local municipality may review whether areas identified by the District as likely to receive sewer service in the next 10 to 25 years should be included within the District. The local municipality may also review whether areas proposed for exclusion should not be excluded. If the basin boundary is accurate and sewer service available or if the area ought not be excluded or if an area identified by the District as likely to receive sewer service from the District in the next 10 to 25 years and the local municipality is willing to consent to inclusion within the District of such an area, the local municipality shall act accordingly to Sec. 66.888 (1) © 4.a.. Resolutions passed by the governing body of any local municipality approving all of part of the boundary shall be submitted to the District, together with, in the case of consent to only a portion of the boundary or non-consent to the boundary, a statement of reasons for refusing to consent to the boundary proposed by the Commission or any part thereof and a metes and bounds description of the consented to boundary and any evidence in support of its reason for refusing consent.
- d. Upon receipt of the resolutions of the municipalities in which a change of the District's boundary occurs, the Commission shall adopt its final resolution redefining the boundary under Sec. 66.888(1) © 4.a., Stats., removing only

such areas identified in the proposed resolutions adopted under Par. (a) as to which a local municipality has not granted its consent to the exclusion or inclusion of an area within the boundary.

(6) Fees

a. Findings

It is the findings of the Commission that areas likely to receive sewer service within 10 years should be within the District's boundary. A local municipality may exclude some areas within 1000 feet of a sanitary sewer because of a basin boundary or a determination that the area is not within the prescribed distance from the sewer or the municipality did not refuse to consent to the areas exclusion under Subsec. (4) (b) 4. It is the further finding of the Commission that a fee is an appropriate means to assure that, when a local municipality considers whether the inclusion of any area ought not be consented to, the local municipal action will also consider that the area will bear a fair financial burden to areas that remain within the boundary.

(b) Fee For Entry of Excluded Areas to the District

A fee is hereby established for each service connection in any area, the sewage from which is treated at a District treatment plant before November 1, 1992, if the area was proposed for inclusion within the District boundary in a Commission resolution adopted pursuant to Subsec. (5) (a) and the local municipality does not consent to the inclusion of the area. The fee is payable as a condition precedent to consideration of plans for sewer extensions. The fee will be in an amount equal to the taxes the District would have assessed had the area been within the District during that period plus legal interest per service hook-up.

### **4.03 Boundary Reestablishment**

(1) Purpose of These Rules

The legislature had directed that the Commission biennially review its boundary and, if upon that review it is likely that any area not presently within the boundary redefined under 66.888 (1) (c) 4.a., Stats., will receive sewage treatment service from the District within the next ten (10) years, the Commission is to redefine the boundary to include that area.

(2) Procedure

Upon the Commission's biennial review, any area shown:

- a. By the most recent SEWRPC land use and population projections to be provided with sanitary sewers and to be developed at a density of at least 0.7 or more housing units per net residential acre within ten (10) years or to be 50% or more in industrial or commercial land use and;
- b. On adopted and approved local sewer plans as receiving sewer service within ten (10) years shall be presumed to be within the District's reestablished boundary. The Commission shall adopt a resolution describing the area by metes and bounds and shall file such resolution with the clerk of any municipality in which such areas lie and with the Register of Deeds for that county.

(3) Presumption of Service

For purposes of the biennial review under Subsec. (2), any area outside the District boundary that has received sewer service and the sewage from which is treated by the District since the definition of the boundary under Sec. 66.888(1) 4.a. or the last reestablishment under Sec. 66.888 (1) (c) 5., is presumed to be within the District.

- (4) Notwithstanding Subsec. (3), if any reestablishment of the boundary creates an area surrounded by property served by the District and such area is serviced by a functioning, healthful on-site sewage system, such area will not be included within the District.

#### **4.03 New Contract Areas**

- (1) Any area which is not under contract to the District on the date of adoption of the rules or is not within the District and which receives sewer service, the sewage from which is intended to be treated by the District, may receive such service on a contractual basis for the period service is initiated until the next biennial boundary reestablishment under Sec. 4.03.
- (2) Each contract shall provide that the Rules and Regulations of the Milwaukee Metropolitan Sewerage District are applicable and shall provide that the area to be served will pay service charges for capital costs, in addition to operation and maintenance charges, at least equal to the sum such property would be taxed on an ad valorem basis were it within the District.
- (3) Each contract may address those terms authorized in Sec. 66.898, Stats.

- (4) Any area subject to the fees established in Sec. 4.02 (6) shall pay such fees in addition to capital and operation and maintenance charges as a condition of the contract.

#### **4.04 Requests To Join District**

- (1) Resolution Filed With Secretary

Any area may seek to become a part of the District by delivering a resolution of the governing body of the municipality wherein the area is located describing the area to be served by metes and bounds to the Commission's secretary requesting to be included.

- (2) Procedure

The secretary will bring any resolution described in Subsec. (1) to the next Commission meeting. The Commission shall adopt a proposed resolution identifying the area to be included. This resolution shall be submitted to the requesting municipality for its consent. Upon receipt of the municipality's consent, the Commission will adopt its final resolution adopting the new boundary.

- (3) The final resolution shall be effective upon the filing of a certified copy of it with the county clerks of all counties in which the District is located, the clerk of each city, village and town in the District is located, the clerk of each city, village and town in the District and with the department.

#### **4.06 Areas Formerly Served By Contract**

Any area which prior to the establishment of the boundary under Sec. 4.02 actually received sewerage service from the District pursuant to an existing contract may continue to pay for sewerage service as provided in the contract until the contract expires.