

ORDINANCE 1 -01

AN ORDINANCE ESTABLISHING THE SEWER UTILITY OF THE LAKE WAPOGASSET AND BEAR TRAP LAKE SANITARY DISTRICT, POLK COUNTY, WISCONSIN AND ESTABLISHING SEWER RATES, RULES AND REGULATIONS CONCERNING THE GOVERNMENT THEREOF AND ALSO CONCERNING GOVERNMENT OF SEWER USERS, LICENSED PLUMBERS AND OTHERS AND FORFEITURES FOR VIOLATION THEREOF.

The Lake Wapogasset and Bear Trap Sanitary District of Polk County, Wisconsin, does hereby ordain as follows:

SECTION I

A. Management. The management, operation and control of the sewer system for the Lake Wapogasset and Bear Trap Sanitary District is vested in the Commissioners of the District and all minutes and all written proceedings thereof shall be kept by the secretary of the District; except that the treasurer of the District shall supervise the maintenance and preparation of the financial records.

B. Officers

- Based upon Sanitary District recommendations, Lincoln Township shall pass upon as they deem appropriately the new recommended member.
- The individual Commissioners of the Sanitary District, in the event of a vacancy, shall vote to appoint a replacement in any appropriate office at that time and furthermore shall appoint their officers as they deem appropriate beyond that time.
- Each officer to serve a 3 (three) year term.
- In the event Lincoln Township does not expressly indicate that the officer is going to be replaced it shall be deemed that he/she was reappointed for an additional three year term at the conclusion of his existing term.

Commissioners shall receive compensation for their services at the rate of \$100.00 per meeting attended. This compensation shall be paid quarterly. A Commissioner does not have to seek prior approval from other commissioners before incurring usual and routine types of expenses associated with his/her serving on the Board such as, telephone, gas or necessary costs pursuing a project while serving on the Sanitary District Board. Commissioners engaged in the business of the District shall be reimbursed thirty two cents (.32) per mile for travel in privately owned vehicles.

C. Authority. The sewer utility of the District shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, public and private grounds of the District; and generally to do all such work as may be found necessary

or convenient in the management of the sewer system. The District shall have power by itself, its officers, agents and servants to enter upon any land for the purpose of making examination or supervise in the performance of its duties under this Ordinance, without liability therefore; and the District shall have power to purchase and acquire for the District all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling or additions thereto.

D. Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the District be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the District shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes.

E. Title to Real Estate and Personal Property. All property, real, personal and mixed acquired for the construction of the sewer system and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of said District.

SECTION II

User Rules and Regulations.

The rules, regulations and sewer rates of the District hereinafter set forth shall be considered a part of the contract with every person, company or corporations who is connected or will connect with the sewer system to the District and every such person, company or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said District may hereafter adopt are violated, the service shall 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 District, and on payment of all arrears, the expenses and established charges of shutting off and putting on and such other terms as the District may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said District furthermore, may declare any payment made for the service by the party or parties committing such violation to be forfeited and the same shall thereupon be forfeited. The right is reserved to the District to change the said rules, regulations and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.

SECTION III

Development

A. Sewer Availability Contribution Charge. There is hereby levied against each parcel of land existing or capable of being platted into a residential parcel under existing county subdivision ordinances, a sewer availability contribution charge as per resolution of the Board which shall be due and payable upon application for a Sanitary District permit. Upon failure to make such

payments, said charge shall be assessed as a special tax lien against the property pursuant to S66.069, Wisconsin Statutes. No user permit shall be issued to any person for service to facilities for which this initial user contribution charge remains unpaid. Unpaid charges shall also bear interest at the legal rate.

At the time of sanitary sewer extension, a developer shall pay \$1500.00 Availability Fee per plotted lot. Each year thereafter, they shall be charged either a user or a non user fee per plotted lot. The District will review this charge on a biennial basis hereafter. The costs of all extensions, including the costs of engineering, shall be borne exclusively by the developer and not by the Sanitary District. The costs of reviews of engineering plans and any and all other costs intended to development shall be exclusively the cost of developer and not the Sanitary District.

B. Development Agreement: Any person, firm, association, corporation (including building contractors or their agents) who desires to develop property within the Sanitary District shall sign and execute a Developer's Agreement. This Agreement shall include provisions for performance bonds, warranty's, easements, inspections and costs at the discretion of the Board of Commissioners of the Sanitary District.

SECTION IV

The following rules and regulations for the government of licensed plumbers, sewer users and others are herein adopted and established:

A. Plumbers:

1) No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and being registered with and approved by the District.

B. Users:

1a. Application for Service. Every person connecting with the sewer system shall file an application in writing to the District in such form as is prescribed for that purpose. Persons connected to the sewer system are referred herein as users. Blanks for such application shall be furnished by the office manager or other agent of the District. The application must state fully and truly all that will be allowed, except upon further application and permission regularly obtained from said District. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case charges shall be made accordingly. If it appears that the service applied for will not provide adequate service for the contemplated use, the District may reject the application. If the District shall approve the application, it shall issue a permit for services as shown on the application.

1b. No owner, occupier, or person with interest in property, or contractor, carpenter, builder or construction person shall commence any construction of any new structure or any addition to any existing structure within the District unless he or she shall first obtain a permit from the District

authorizing such work. The fee for such a permit shall be established by the Commissioners and shall be paid to the District before any permit is issued under this section. Permits issued under this section shall be prominently displayed at the sites of the work for which the permit is issued.

2. Tap Permits. After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, expansions or attachments unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the District.

3. User to Keep in Repair. 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 overburdening of the sewer system. No charge, however, shall be made for the services of the District's Inspector in directing where and in what manner the mains shall be tapped and excavations made in the street for laying pipe.

4. User Use Only. No user shall allow others or other services to connect to the sewer system through his lateral.

5. User to Permit Inspection. Every user shall permit the District or its duly authorized agent, at all reasonable hours of the day, to enter their premises or buildings to examine the pipes and fixtures, 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.

6. Utility Responsibility. No claim shall be made against the District or its representatives by reason of 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 right is hereby reserved to cut off the service at any time for that purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within the District, the Districts commissioners shall, if practical, give notice to each and every consumer with the said Sanitary District of the time when such service will be shut off.

7. Distance. **No building or structure appurtenant to any building shall be constructed within fifteen (15) feet lateral distance from the main sewer line of the District.**

C. Excavations:

1. 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.

2. No person shall leave any such excavation made in any street or highway, open at all times without barricade; and during the night warning lights must be maintained at such excavations.

3. In refilling the opening, after service pipes are laid, the earth must be laid in layers of not more than nine (9) inches in depth and each layer thoroughly rammed or puddled to prevent

settling. And this work, together with the replacing of sidewalks, ballast and paving must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to the District. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

D. Tapping the Mains:

1. No person, except those having special permission from the District or its agents, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permit or order from said District.
2. Pipes should always be tapped on the top and not within 6 (six) inches of the joint, or within 24 (twenty-four) inches of another lateral connection.

E. Installation of House Laterals:

1. All sewers (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code, Chapter SH-62. "Design, Construction, Installation, Supervision and Inspection of Plumbing"; specifically SH-62.04 (4), "Building Sewers".
2. Per SH-62.04 (5), all laterals will be inspected by the District's inspector. "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before back filling; and tested before or after back filling."

F. Sewer Service Rate

1. The sewer service rates shall be in amounts deemed appropriate by the Commissioners after reviewing the income and expenses for the District as a whole and in consideration of future budget increases. Rates shall be reviewed each and every year as part of the annual budget process.
 - a) Residential – The resident equivalent use of a single family dwelling shall be directly billed to user twice yearly in equal amounts. The first billing shall be due within thirty days of January 1 and the second within thirty days of June 1.
 - b) Standby Residential Lot – An unimproved lot, platted, unplatted or capable of being created with the general guideline being that there shall be a lot counted for every one hundred (100) feet of lake shore line, billed at a reduced rate and semi-annually, as above.
 - c) Commercial Service Facilities – as per resolution of the Board based upon individual consideration. Fees shall be due within 30 days of August 1 each and every year.
 - d) Taverns and Resorts – as per resolution of the Board based upon individual consideration. Fees shall be due within 30 days of September 30 each and every year.

- e) Travel-Trailer Parks – as per resolution of the Board based upon individual consideration. Fees shall be due within 30 days of September 30 each and every year.
- f) Mobile Home Parks – as per resolution of the Board based upon individual consideration. Fees shall be due within 30 days of September 30 each and every year.
- g) Youth and Bible Camps – as per resolution of the Board based upon individual consideration. Fees shall be due within 30 days of September 30 each and every year.
- h) Any other use not more specifically described – as per resolution of the Board based upon individual consideration.

G. Mandatory Hook-up

1. The owner of each parcel of land in the District upon which a private residential, commercial, or other type facility is located, which facility lies within 1,000 (One Thousand) feet of the Sanitary sewer line, shall be required to connect to such line. Upon failure to do so, the District may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 (thirty) days, such notice shall be assessed as a special tax lien against the property, all pursuant to S114.06 and S66.069, Wisconsin Statutes, provided however that the owner may, within 30 (thirty) days after completion of the work, file a written option with the District's secretary stating that he cannot pay such amount in one sum and asking that it be levied in not to exceed 5 (five) equal installments and that the rate shall be so collected with interest at the rate of 9% (nine per cent) per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to S66.069, Wisconsin Statutes. Upon application of users, when a strict interpretation of this section will work unnecessary hardship because of conditions not created by the user, the District may grant appropriate relief by means of a variance from the terms of this section in its sole discretion.

2. Alternative As an alternative to Section III G (1) of this ordinance, the District, at its option, may impose a forfeiture for the period that the violation continues, after 10 (ten) days written notice to any owner failing to make a connection to the sewer system of an amount equal to one hundred fifty percent (150%) of the minimum quarterly charge for sewer service payable quarterly for the period in which the failure to each and every day of violation, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property all pursuant to S66.069, Wisconsin Statutes.

3. Failure to Connect This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said District and fails to assure preservation of public health, comfort and safety of said District.

H. Maintenance Services

All sewer services within the limits of the District from the street main to the property line and including all controls between the same shall be maintained by the District 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 sewer services from the point of maintenance by the system 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.

When any sewer service is to be re-laid and there are two (2) or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

I. Payment of Bills

1. Failure to Receive Bill No Penalty Exemption. Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill however shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in payment thereof.

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

3. Delinquency. Accounts become delinquent thirty (30) days after billing date, at which time interest at the rate of one and one-half percent (1 1/2%) on the first \$1,000.00, and one and one-quarter percent (1 1/4%) thereafter, per month, (eighteen percent (18%) per annum), may be added.

4. Provision to Collect. Any payment not paid during the billing year will be certified to the Treasurer of Polk County as a delinquent utility charge and added to the tax roll.

J. Penalty for Improper Use

1. It shall be unlawful for any person to willfully injure the system or any building, machinery or fixture pertaining thereto, or to willfully and without authority of the District, bore or otherwise cause to leak, any tunnel, aquaduct, reservoir, pipe or other thing used in the system for holding, conveying or distributing sewage. 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 200 Mg/l; a surcharge shall be based on the excess of BOD or suspended solids at a rate of \$0.50 per pound. The District reserves the right to test the sewage at any point within the connection system of the user.

2. No user shall discharge or cause to be discharged any of the following 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, feathers, tar, plastics, wood, paunch manure, or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the property operating of the sewage works.
- d) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
- e) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.
- f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- g) Any garbage that has not been properly shredded.
- h) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- i) Any water or waste which may contain more than one hundred (100) parts per million by weight of fat, oil, or grease.
- j) Any waters or wastes which have 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) Septic tank effluent.

K. Damage Recovery

The District shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damage in any manner by any person by the performance of any work under their control, or by any negligent act.

L. Forfeitures

1. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this amendment to the ordinance in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The District's Board of Commissioners shall issue citations for any violation of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than one-hundred (\$100.00) dollars nor more than one-thousand (\$1,000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the Sanitary District, the county, the state, or any citizen thereof.

2. There shall be a penalty fee of five-hundred (\$500.00) added to the regular fee in those cases where building commenced without first obtaining a Sanitary District building permit, providing the structure is in conformance with the provisions of this ordinance.

3. The Sanitary District's office manager may issue an on-site stop work order provided a violation of this Ordinance or the building permit is taking place.

4. The provisions of this section, however, shall not bar the District from enforcing the connection duties set out in Section G for mandatory hook-up.

M. Septic Tanks Prohibited

The maintenance and use of septic tanks and other private sewage disposal systems within the area of the District serviced by its sewer system, are hereby declared to be a public nuisance and a health hazard. From and after January 1, 1978, the use of septic tanks or any private sewage disposal system within the area of the District serviced by the sewer system shall be prohibited and the use or maintenance thereof shall subject persons so using to forfeitures of Section L of this Ordinance.

N. Additional Laterals

In the event any individual user's lot size limits or prevents any kind of bifurcation or subdivision, adds a separate facility on their existing property which requires a separate lateral, they will then be charged a \$500.00 (Five Hundred) Availability Fee to be paid at the time the permit is issued for purposes of the second facility. The District will review this charge on a biennial basis hereafter.

Each user seeking to receive sewer availability and which availability requires installation of an additional lateral shall be assessed the sum of \$1,000.00 (One Thousand) as a single time availability charge in addition to all other charges or assessments levied under this ordinance. The District will review this charge on a biennial basis hereafter.

When multiple buildings with separate sewer facilities exist on the same lot; in the event the lot can be subdivided to permit two separate lots pursuant to county zoning requirements with a building on each lot, then upon an extension to a new building, an owner shall pay a single time availability fee of \$1,000.00 (One Thousand) and each year thereafter shall be assessed a Sanitary District user rate. In the event the lot cannot be bifurcated pursuant to zoning regulations, then the individual shall pay an availability fee of \$500.00 (Five Hundred). These charges will be reviewed on a biennial basis hereafter.

O. Commercial or Multiple Residential Users

In the event that multiple residences exist on the same lot and for which one or more residences are rented or leased during the course of a year, the owner of said lot shall pay availability charges and also pay user rates for each separate residence on such a property.

In the event of a condominium, townhouse, or other multiple residential use of the same building, the owner of such a property shall pay availability charges for each separate unit to be occupied and in no event shall pay less than the availability charge and user rates per family which occupies each individual unit. The intent of this ordinance is that each individual unit or each individual separate living facility shall pay no less than one availability charge and no less than one user charge as their Sanitary District assessment.

P. Septic Tanks

Septic tanks not in use because of being replaced by the sanitary sewer system shall be rendered non-operational in accordance with the Wisconsin Administrative Code.

SECTION V

Miscellaneous Rules and Regulations:

1. Vacating of Premises and Discontinuance of Service. Whenever premises served by the system are to be vacated or whenever any person desires to discontinue service from the system; the system must be notified in writing. The owner of the premises shall be liable for any damages to the property of the system by reason of failure to notify the system of a vacancy or any 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.
2. Charges or Lien on Property. All sewer service charges, initial user contributions charges, and other special and availability assessments shall be a lien on a lot, part of lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October of any year, shall be certified to the Town Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.
3. Unit of Service Definition. A unit of service shall consist of any residential, commercial, industrial, or charitable aggregation or 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; thus houses and apartments having suites for one, two or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses. When a consumer's premises has several buildings for which service is eligible and such buildings are used in the same business and connected by the user, the District shall set a separate rate for such complex.
4. Adoption of Other Rules. There is hereby adopted 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 of the State of Wisconsin, insofar as the same are applicable to the District.

5. Severability. If any section, subsection, sentence, clause or phrase of 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 District hereby declares that it would have passed this Ordinance and section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause and phrase be declared unconstitutional.

6. Aquatic Invasive Species. Due to the possible infestation of Eurasian water milfoil and the difficulty of its eradication; It shall be a violation of the Ordinance of the Lake Wapogasset and Bear Trap Lake Sanitary District to transfer any boat, trailer or piece of equipment from a lake known to be contaminated by Eurasian water milfoil to Lake Wapogasset or Bear Trap lake. Furthermore, violation of this Ordinance will result in a civil forfeiture of a \$10,000 (Ten Thousand) fine per violation. All boats must be appropriately cleaned by steam cleaning or approved Department of Natural Resources cleaning guidelines, so as to remove any and all traces of the Eurasian water milfoil.

7. Fertilizers. A copy of the “Ordinance Regulating Use Of Fertilizer” is attached hereto and made a part hereof by reference.

8. Variance requests, including those related to building and plumbing permits, will be assessed a \$200 non-refundable fee at the time of application.

8. Ordinance 1 – 77, as amended by Ordinance 3 -77 and 4 – 77, and Ordinance 1 – 78 and ordinance 1 – 80 and Ordinance 1 – 82 and Ordinance 1-84 are hereby repealed, replaced amended and recreated by this Ordinance.

ORDINANCE

REGULATING USE OF FERTILIZER

The Lake Wapogasset & Bear Trap Sanitary District does ordain as follows: Hereby added to the regulations dealing with the Sanitary District is the following Ordinance:

APPLICATION AND PHOSPHATE CONTROL

Purpose: Lake Wapogasset & Bear Trap Sanitary District has conducted an examination of current scientific literature, dealing with the effect on water quality of the application of fertilizers. The data indicates that the water quality of the lakes may be maintained and improved if the Sanitary District is able to regulate the amount of chemicals and nutrients entering the lakes as a result of water runoff and other causes. The purpose of this ordinance is to define regulations which will aid the Sanitary District in maintaining and improving water resources which are enjoyed by residents and other users and to further educate the residents and users with some of the steps they can take to maintain the water quality of their lakes.

A. REGULATIONS FOR COMMERCIAL LAWN FERTILIZER APPLICATIONS

Persons, firms, corporations or franchises engaged in the business of lawn fertilizer application within the Sanitary District will be provided with a copy of this ordinance and asked to sign a statement of understanding, including an analysis of the product to be used, as provided herein.

B. REGULATIONS FOR PROPERTY OWNER

Upon the Sanitary District's request, the property owner shall provide the District with a sample of lawn fertilizer to be applied by property owners. The quantity of the sample shall be large enough to permit laboratory testing.

C. GENERAL REGULATIONS

1. Time of application. Lawn fertilizer application shall not be applied between November 15 and April 15 of the succeeding year or when the ground is frozen. Application is recommended during the autumn months rather than in the wet spring months. Care is to be exercised so as to apply the fertilizer during periods of low wind conditions which will allow for the placement of the fertilizer in the designated area.
2. Sample analysis. The cost of analyzing fertilizer samples taken from property owners shall be paid by the property owner if the sample analysis indicates that the phosphorus content exceeds the levels authorized herein.
3. Fertilizer content. The fertilizer being applied must contain zero % (0.00 percent) phosphate by weight or volume.
4. Impervious surfaces. No person shall apply fertilizer to any impervious surfaces (roadway, walkway, stairway, patio, etc.), or to areas within drainage ditches or waterways. Nor shall any person pile, store or burn clippings or leaves on an impervious surface, drainage ditch or waterway where they could be washed or transported into waterways. All residual by-products of burning must be disposed of in a manner that ensures no runoff into a waterway.
5. Buffer Zone. Fertilizer applications shall not be made within 35 feet of any wetland or water resources.
6. Penalty. Except as hereinafter provided, any person, firm, corporation or franchise who is found in violation of this ordinance shall pay a fine of up to \$500 for violation of the ordinance.

D. THE EFFECTIVE DATE OF THIS ORDINANCE IS JUNE 27, 2000.

E. STATEMENT OF UNDERSTANDING

"I have read the foregoing ordinance regulating the use of fertilizer with the Lake Wapogasset & Bear Trap Lake Sanitary District. I understand the regulations and agree to abide by them.

I have provided the Sanitary District with a chemical analysis of the product to be applied.

If requested, I will voluntarily supply a sample of the product that will be used in an amount sufficient to permit laboratory testing.”

Dated this _____ day of _____, 200__.

Name

Company

Address