



**HO-CHUNK NATION CODE (HCC)  
TITLE 3 – HEALTH AND SAFETY CODE  
SECTION 12 – SEWAGE AND WASTE WATER USE ORDINANCE**

**ENACTED BY LEGISLATURE: August 22, 2012**

**CITE AS: 3 HCC § 12**

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**CHAPTER I  
GENERAL PROVISIONS**

**1. Authority.**

a. Article V, Section 2(a) of the Constitution grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.

b. Article V, Section 2(h) of the Constitution grants the Legislature the power to enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation.

c. Article V, Section 2(l) of the Constitution grants the Legislature the power to enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets.

d. Article V, Section 2(o) of the Constitution grants the Legislature the power to enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation.

e. Article V, Section 2(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation.

f. Article V, Section 2(t) of the Constitution grants the Legislature the power to enact laws governing law enforcement on lands within the jurisdiction of the Nation.

**2. Findings.**

a. It is in the best interest of the Nation to monitor and regulate the waste water of all community systems so that system planning, system repair and financial stability can be accomplished.

b. It is in the best interest of the Nation and its waste water system users to protect the systems by providing centralized waste treatment that meets recognized standards.

**3. Purpose.** This Ordinance is enacted to promote the appropriate treatment of waste water, to prevent the spread of disease and to protect the environment from harmful discharges.

#### 4. Declaration of Policy.

a. It is the policy of the Nation to regulate and control community waste water systems owned by the Nation through a mandatory and enforceable program to protect, promote, and preserve the health and general welfare of the public. This shall include all tribally operated waste water systems.

b. The Ho-Chunk Nation adopts the State of Wisconsin Plumbing Code, specifically Wisconsin Administrative Code, Chapter Comm. 81, Definitions and Standards, Chapter Comm. 82, Design, Construction, Installation, Supervision and Inspection of Plumbing and Chapter Comm. 84, Plumbing Product as the code that shall govern all plumbing installation on Ho-Chunk Nation property. This code applies to all waste water or sewage projects on trust land and fee-simple land owned by the Nation. All construction shall be in accordance with the latest edition of Standard Specification for Sewer and Water Construction in Wisconsin.

c. When Ho-Chunk Nation development occurs on fee-simple land, the laws developed by the State of Wisconsin through its Department of Commerce and Department of Natural Resources have concurrent jurisdiction along with the Nation's own rules and regulations.

d. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with existing Ho-Chunk Nation law or adopted law. Whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

5. **Jurisdiction.** The jurisdiction of this Ordinance shall include all lands held by the Nation or the People, or by the United States for the benefit of the Nation or the People, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation or the People, including but not limited to air, water, surface, subsurface, natural resources and any interest therein, notwithstanding the issuance of any patent or right-of way in fee or otherwise, by the governments of the United States or the Ho-Chunk Nation, existing or in the future. In addition, it shall extend to any and all tribal lands as defined herein and persons or activities therein.

6. **Interpretation.** Where a provision of this Ordinance correlates with Wisconsin Statutes or with a standard in Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in light of the current Ho-Chunk law in effect, with persuasive authority given to the Wisconsin law in effect, consistent with Ho-Chunk Nation law.

#### 7. Applicability.

a. This Ordinance shall apply to all homes, program buildings, enterprises and temporary customers served by a collection system owned by Ho-Chunk Nation, which provides centralized treatment.

b. This Ordinance shall apply to any new installation of waste water systems, or the major alteration of an existing waste water system, undertaken after the effective date of this Ordinance.

c. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, business, recreation, or other purposes, situated within the Nation, and located within two-hundred (200) feet of any sanitary sewer within and part of the sewer system is hereby required, at the owner(s)' expense, to install suitable toilet facilities therein, and to connect such facilities directly with and to the proper sanitary sewer in accordance with the provisions of this Chapter, within ninety (90) calendar days after date of official notice to do so by the Department of Environmental Health.

## **8. Department Responsibility.**

a. The Department of Environmental Health, as the entity directly responsible for the operation and maintenance of waste water systems, is charged with the primary responsibility for administering and enforcing the provisions of this Ordinance.

b. The Department of Housing shall be responsible for billing customers and collection of non-payment.

c. It is expressly stipulated that no claim shall be made against the Ho-Chunk Nation or the Department for backups due to breaking, clogging, stoppage, or freezing of any service lateral from the house to the right of way line. The Department of Environmental Health reserves the right to cut off service at any time with notification for the purpose of repairs or any other necessary purpose, any regulation to the contrary notwithstanding.

d. Maintenance. All public waste water system components within the jurisdiction of this Ordinance up to the right of way of the users premises will be maintained by the Department of Environmental Health without expense to the property owner, except when they are damaged as a result of the negligence or carelessness on the part of the user of the premises or business, in which case these components and/or systems will be repaired at the expense of the property owner. Any fees for such repair will be added on to the next regular billing invoice for service to the premises. Waste Water service laterals, being the piping from the home to the right of way, must be maintained free of defective conditions, by and at the expense of the owner of the property.

**9. Definitions.** Terms not otherwise defined herein shall be defined in accordance with the latest publication of 40 CFR 403 or the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation or the Uniform Plumbing Code. For the purposes of this Ordinance, the following definitions shall apply:

a. "Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA-approved laboratory procedure in

five days at twenty degrees centigrade, expressed in terms of weight and concentration (milligrams per liter).

b. "Building drain" mean that part of the lowest horizontal piping of a wastewater drainage system which receives the discharge from waste pipes inside the walls of the building, and conveys it to the sewer lateral, beginning two (2) feet outside the inner face of the building wall.

c. "Complaint" means a person's grievance regarding a decision made by the Department of Environmental Health.

d. "Community Sewer System" means a public sewer system that serves at least ten (10) service connections used by year-round residents.

e. "Department" means the Department of Environmental Health.

f. "Domestic wastewater" means liquid wastes including the following:

1) From the noncommercial preparation, cooking and handling of food, or

2) Containing human excrement and similar matter including hand sink, bath, or shower water from dwellings, commercial buildings, industrial facilities, and institutions, or

3) Generated inside of domestic dwellings.

g. "Enterprise" means a business entity that is connected to the community waste water system.

h. "Homes" mean all places of residence including, but not limited to houses and mobile homes or trailers connected to the community waste water systems.

i. "Industrial discharger" means any user who discharges "industrial waste water" as defined in this section.

j. "Industrial waste water" means waste water from any producing, manufacturing, or any activity of any nature, including institutional, agricultural, commercial, and industrial operations, where water is used for the removal of waste, other than domestic waste water as defined in this section.

k. "Interceptor" means a device designed and installed so as to separate and retain prohibited, deleterious, hazardous, or undesirable matter from waste water and to permit the waste water to discharge to the Publicly Owned Treatment Works. "Interceptor" includes but is not limited to grease interceptors, grease traps, sand interceptors and clarifiers.

l. "Meter or Water Meter" means a device used to measure the amount of water used by a customer of the community waste water system.

m. "Nation" means the Ho-Chunk Nation.

n. "Oil and grease" is any material recovered as a substance soluble in n-hexane or other solvent used in an oil and grease procedure listed in 40 CFR, Part 136, Table 1B "List of Approved Inorganic Test Procedures," or otherwise approved for NPDES monitoring.

o. "Owner" means any person or entities of the Nation such as the Department of Housing Property Management or Ho-Chunk Housing and Community Development Agency (HHCDA), who has legal title to, or license to operate or inhabit a property.

p. "Plumbing Code" means the plumbing regulations found in Chapters 81, 82, and 84 of the Wisconsin Department of Commerce code.

q. "POTW" or "Publicly Owned Treatment Works" means a treatment works as defined by Section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by Section 502(4) of the Clean Water Act ("the act")). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only they convey waste water to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

r. "Pretreatment" means application of any process to reduce the amount of pollutants in or alter the nature of the pollutant properties in waste water prior to discharging such waste water into the POTW.

s. "Private sewer" means a sewer privately owned and not directly connected to a community sewer system.

t. "Program Buildings" means all connections to the community waste water system that house in part or in total a program of the Ho-Chunk Nation such as educational facility, community center, feeding site or recreational facility.

u. "Public nuisance" means any discharge in violation of the provisions of this ordinance, a waste water discharge permit, or an order of the Ho-Chunk Nation Trial Court.

v. "Public sewer" means a sewer controlled by public authority or the Ho-Chunk Nation.

w. "Request" means an individual requesting service such as repairs or connections.

- x. "Sewage" means waste water.
- y. "Sewer" means a pipe or conduit for carrying waste water.
- z. "Sewer Lateral" means the extension from the building drain to the public sewer main.
- aa. "Shall" means mandatory. "May" means permissive.
- bb. "Suspended solids" means the total suspended solids that are measured by the procedure for total suspended solids listed in 40 CFR, Part 136, Table 1B "List of Approved Inorganic Test Procedures."
- cc. "Tribal Lands" mean all lands to which title thereto is held by the Nation, or for the benefit of the Nation, and any lands held in the name of one or more Tribal member(s) to which waste water service is provided by the Nation.
- dd. "Unlawful discharge" means a substance that will interfere with the treatment of the waste water to a degree that it creates a serious health hazard or inhibits or disrupts the publicly owned treatment works (POTW), its treatment processes or operations, or its processing, use or disposal of sludge.
- ee. "User" means the entity using the Nation's property or the person or entity that owns the property and is using the waste water systems, or any person who discharges, causes, or permits the discharge of waste water into the Ho-Chunk Nation's waste water systems.
- ff. "Waste water" means any industrial or domestic sewage.
- gg. "Waste water treatment system" means POTW or pretreatment facility.

## **CHAPTER II REGULATIONS**

### **10. Waste Water Service.**

a. If running water is supplied to a building after enactment of this Ordinance, waste water service connection shall be made, whenever possible, to a public sewer system which has been inspected and approved by the Department of Environmental Health. Connection to the community sewer system shall be made within ninety (90) calendar days after official notice from the Department to do so.

#### **b. Application for Service.**

(1) Every person requesting the utility service shall file an application in writing

to the Department of Environmental Health in such form as is prescribed for that purpose. Such applications shall be available from the Department of Environmental Health. All applicants must provide a legal lease or other proof of ownership documenting their authority to occupy the premises.

(2) If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

(3) The Department shall require each new connection to apply to the Department of Environmental Health for services and pay a connection fee prior to connection to the system. All reconnections must reapply for services, but are exempt from the connection fee.

c. Installations and Alterations.

(1) Installations and major alterations of a public waste water system shall be undertaken only by a State of Wisconsin-licensed or duly qualified plumber, shall be executed in a safe, neat and workmanlike manner, and shall meet the material and installation standards of this ordinance. All work shall have an approved design and shall meet the specifications established in Standard Specifications for Sewer and Water Construction in Wisconsin or similar governing document for that State if the work is being performed in another State. All installation shall be done in accordance with standards established in Standard Specifications for Sewer and Water Construction in Wisconsin or similar governing document for that State if the work is being performed in another State.

(2) The Department of Environmental Health shall be responsible for design approval. All contractors must provide notification to the Department of Environmental Health prior to starting a construction project on a community waste water system.

(3) Connections by users outside the Ho-Chunk Nation tribal lands and territories shall be made only upon specific approval from the Department of Environmental Health. Upon approval, the user shall install all required extensions to the sewer system in accordance with specifications established by the Department of Environmental Health and shall pay all applicable fees and charges.

(4) A separate and independent building sewer shall be provided for every building or residence, except where one building or residence stands at the rear of another on an interior lot and no sewer is available or can be constructed to the rear building or residence. In this case the side sewer to the front building or residence may be extended to the rear building or residence with the Department's approval. The Nation does not and will not assume any obligation or responsibility for maintenance or damage caused by or resulting from any single connection aforementioned.



(5) Old building sewers may be used in connection with new buildings only when they are found on examination and tested by the Department of Environmental Health to meet all requirements of this ordinance.

(6) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, resting, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Nation and/or as required by the Department of Environmental Health.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sewer system, sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer unless such connection is approved by the Department of Environmental Health for purposes of disposal of polluted surface drainage.

(9) The connection of the building sewer into the sewer system shall conform to the requirements of the building and plumbing code or other applicable rules and regulation of the Nation and/or as required by the Department of Environmental Health. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Department of Environmental Health before installation.

(10) The applicant for the building sewer permit shall notify the board when the building sewer is ready for inspection and connection to the sewer system. The connection and testing shall be made under the supervision of an authorized representative of the Department of Environmental Health.

(11) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the Department of Environmental Health.

d. Materials. The materials used shall be new and durable. The size of the pipe shall be adequate in relation to the fixture served.

e. Maintenance.

(1) All public waste water collection systems components subject to this ordinance shall be maintained in a safe and sanitary condition by the Department of Environmental Health.

(2) All users shall keep their sewer laterals in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary clogging from prohibited items being inserted into the waste water system.

(3) Every user shall permit the Department of Environmental Health, or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the waste water system pipes and fixtures, and/or the manner in which the water is being used within the home or business when the Department of Environmental Health has reason to believe repairs are necessary or that a violation of this ordinance has occurred or is continuing.

#### **11. Use of Community Sewer System.**

a. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to the sewer system.

b. No person shall discharge or cause to be discharged any of the following described waters or wastes to the sewer system:

(1) Any gasoline, benzene, naphtha, fuel oil, lubricating oil, or other flammable or explosive liquid, solid or gas.

(2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or creates a public nuisance.

(3) Any water or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structure, equipment, and personnel.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system and wastewater treatment works such as but not limited to ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

c. The following described substances, materials, waters, or waste shall be limited in discharges to the sewer system to concentrations or quantities which will not harm either the sewer system, POTW processes, or equipment, will not have an adverse effect on the underlying groundwater, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Department of Environmental Health may set limitations lower than the limitations established in the regulation below if, in the opinion of the

Department of Environmental Health, such more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability, the Department of Environmental Health will give consideration to such factors as the quantity of subject waste in relations to flows and velocities in the sewers, materials or construction or the sewers, the waste water treatment process employed, capacity of the waste treatment works, degree of treatability of the waste in the POTW, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or waste waters discharged to the sewer system which shall not be violated without approval of the Department of Environmental Health are as follows:

(1) Waste water having a temperature higher than one-hundred and fifty degrees (150°) Fahrenheit or sixty-five degrees (65 °) Celsius.

(2) Waste water containing petroleum oil, nonbiodegradable cutting oils, or products or mineral oil origin exceeding limits which may be established by the Department of Environmental Health.

(3) Waste water containing floatable oils, fat, or grease.

(4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite waste water at the waste water treatment works exceeds the limits established by the Department of Environmental Health for such materials.

(6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Department of Environmental Health.

(7) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the Department of Environmental Health.

(8) Waters or wastes containing substances which are not amenable to treatment or reduction by the waste water treatment works, which may degrade the quality of the underlying groundwater.

(9) Any water or wastes which, by integration with other water or wastes in the sewer system, may release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition detrimental to structures and treatment processes.

d. If any waters or wastes are discharged or are proposed to be discharged to the sewer system, which waters contain the substances or possess the characteristics which in the judgment of the Department of Environmental Health may have a deleterious effect upon sewer system, waste water treatment works, processes, equipment, or underlying groundwater, or which otherwise creates a hazard to life or constitute a public nuisance, the Department of Environmental Health may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the sewer system; or
- (3) Require control over the quantities and rates of discharge.

If the Department of Environmental Health permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Department of Environmental Health.

e. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Department of Environmental Health, such devices are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Department of Environmental Health and shall be located as to be readily and easily accessible for cleaning and inspections. In the maintaining of the interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. Any removal and hauling of the collected materials not performed by the owner(s)' personnel shall be performed by currently licensed waste disposal firms.

f. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the facilities shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

g. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Department of Environmental Health.

## **12. Other Rules and Regulations.**

a. Vacating of Premises and Discontinuance of Service. Whenever premises served by the Department are vacated, or whenever any person desires to discontinue utility services, the Department of Environmental Health must be notified in writing. The owner or occupant of the premises shall be liable for any damages to the utility(s) by reason of failure to notify the Department of Environmental Health of the discontinuation of utility service(s).

b. Property Rights. The private property of each user shall not be subject to utility debts in any amount or to any extent whatever, except the amount of money held for deposit for such utility service, and except for per capita payments to the extent authorized by the Nation's *Per Capita Distribution Ordinance* (2 HCC § 12). Debts owed under this Ordinance are deemed debts to the Nation.

### **13. Prohibited Activities.**

a. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewer system and waste water treatment works. Any person violating this provision shall be subject to immediate arrest under charges of disorderly conduct.

b. **Liability for Minors.** Parents are as responsible for the acts of their minor children as if the parents committed the acts themselves.

## **CHAPTER III CUSTOMER RELATIONS AND ENFORCEMENT**

### **14. Establishment of Rates and Connection Fees.**

a. Waste Water Service Rates. Subject to approval by the Legislature, the Department of Environmental Health shall annually propose standard rates for waste water use and revise said rates when deemed necessary.

(1) Three (3) months prior to the beginning of the fiscal year, the Department of Environmental Health shall bring a proposal for rates for waste water use to the full Legislature for its approval.

(2) The rates shall remain the same as the previous fiscal year, unless the Legislature approves an adjusted rate by Resolution. Upon presentation of the proposed rates by the Department of Environmental Health, the Legislature shall have two (2) regular sessions to adopt a Resolution if the Legislature is going to lower or higher the rates.

b. The Connection fee shall be set by the Department of Environmental Health.

### **15. Payment of Bills.**

a. Reasonable care will be exercised in the proper delivery of utility bills. Failure to receive a utility bill, however, shall not relieve any person of the responsibility for payment of rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.

b. Billing.

(1) The property owner or occupant shall be held responsible for all water and sewer bills on premises that he or she owns or occupies. All water and sewer bills and notices of any nature relative to the water and sewer services will be addressed to the owner or occupant and mailed or delivered to the premises referred to on such bill or notice each month. Such bills shall be due and payable to the Department of Housing before the end of the month in which the bill is rendered.

(2) The Department of Housing shall account for all sewage use rate income. The Department of Housing, pursuant to an Intergovernmental Agreement, shall transfer the total income received for waste water services into the Office of Environmental Health waste water treatment plant accounts.

c. Default on Water and Sewer Bill. If a customer defaults on payment for water or sewer services, the Department of Housing may:

(1) Impose a delinquency charge.

(2) Send notice to the Department of Environmental Health to terminate utility service. In turn, the Department of Environmental Health may terminate utility service upon fifteen (15) calendar days notice to the customer.

(3) Take any other action necessary to collect such payments. Any amount of money due and owing for payment of utility services found to be in default of the user's obligation to make timely payment for such services, as well as any reasonable costs associated with the collection of the amount in default, shall be considered a debt to the Ho-Chunk Nation.

d. Discontinuation of Services. When utility services have been discontinued due to default, the Department may restore said utility services at its discretion. The Department shall establish rates for any such reconnection.

e. The Legislature may establish a separate rate for any enterprise deemed necessary.

**16. Customer Complaints and Requests.**

a. All billing account complaints shall be filed in writing with the Executive Director of Housing requesting who shall make the initial determination on the complaint. If the customer is not satisfied with the Executive Director's decision he or she may request a review of the decision in writing by the Department of Housing Board of Directors.

b. All service complaints shall be directed to the Department of Environmental Health.

c. All requests for repairs or connections shall be made directly to the Department of Environmental Health.

#### **17. Enforcement.**

a. The Department of Environmental Health is hereby authorized to issue a citation for violation of this Ordinance to either the owner or occupant of the premises. The citation shall specifically state the violation and penalty. Any citation so issued is to be referred to the Ho-Chunk Nation Department of Justice for prosecution.

b. Any fines imposed as penalties, and any costs associated with such prosecutions, may be collected by any means available in law. The Trial Court may also issue other orders deemed necessary to abate the problem giving rise to the violation. Failure to comply with any other order of the Trial Court may be punishable as contempt.

**18. Penalties.** The following penalties may be assessed singly or in combination:

a. A person who violates any provision of this Ordinance shall forfeit not less than twenty-five dollars (\$25.00).

b. A person who repeatedly violates provisions of this Ordinance may be ordered to post a bond of at least fifty dollars (\$50.00) against future violations.

c. Any or all utility services provided by the Nation, including water, sewer, or other service may be terminated for a violation of any provision of this Ordinance or for a failure to pay any forfeiture assessed for any violation.

d. A person who violates any provision of this Ordinance may be required to do community service work.

e. Restrictive conditions may be placed on future utility service.

f. Each day in which any such violation shall continue shall be deemed a separate offense.

#### **19. Reports.**

a. Annual Report. The Department of Environmental Health shall submit a detailed annual report, signed and presented to the Ho-Chunk Nation Legislature.

b. In an effort of continuing cooperation, the Department Waste Water Operator will submit the reports described in Subsection b. to the State of Wisconsin.

20. **Validity.** The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other parts of this Ordinance which can be given effect without such invalid part or parts.

21. **Sovereign Immunity.** No section, clause, sentence or provision of this Ordinance shall be construed as a waiver of the Nation’s sovereign immunity.

22. **Effective Date.** This Ordinance shall take effect beginning on July 1, 2013, but the Department of Environmental Health shall propose the rates, during the Legislative Session, at least three (3) months prior to the beginning of the 2013 fiscal year.

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**Legislative History:**

04-23-09 – Introduced to Development Committee.

05-23-09 – Development Committee refers to the Legislature to place out for 45-day comment period.

06-10-09 - Legislature places the proposed code out for 45-day public comment by motion.

11-03-09 – Legislature passes motion “to table Sewage & Wastewater Usage Ordinance for further review and clarification.”

02-09-10 – Legislature presented with final version of Ordinance for consideration of enactment of Ordinance. Sent out for 45 day review after a change was made to have the Legislature approve the rate schedule.

07-20-10 – Motion to table so Legislative Counsel, paralegal and staff can compile information and public comments received from the areas regarding the sewer use ordinance.

07-05-12 – Sewer Use Ordinance placed on the Agenda for discussion by Legislature. Tabled due to lack of notice to the President’s Office.

07-17-12 - Sewer Use Ordinance motion was made and approved to have a 10 day review of the Sewer Use Ordinance with minor changes suggested.

08-07-12— A motion was made and passed to have a resolution drafted to adopt the Sewer Use Ordinance and to choose the rate option #3 in the rate proposal.

08-22-12 – Legislature enacted the Sewage and Waste Water Use Ordinance under the citation 3 HCC § 10.

06-18-13 – Legislature re-designates the Sewage and Waste Water Use Ordinance as 3 HCC § 12.