

CHAPTER 13  
MUNICIPAL UTILITIES

SUBCHAPTER I: GENERAL PROVISIONS

- 13.01 Joint Liability For Utility Bills
- 13.02 Collection of Utility Bills in Arrears
- 13.03 Outside Water and Sewer Service
- 13.04 Sewer and Water Main Extension
- 13.05 Sewer and Water Connections
- 13.06
- to
- 13.10 (Reserved)

SUBCHAPTER II: ST. CROIX FALLS WATER UTILITY

- 13.11 Management
- 13.12 Rules and Regulations
- 13.13 Cross—Connections
- 13.14 Private Well Abandonment
- 13.15 Fluoridation of Water Supply
- 13.16 Water Service Rates
- 13.17
- to
- 13.22 (Reserved)
- 13.23 Penalty

SUBCHAPTER III: ST. CROIX FALLS SEWER UTILITY

- 13.24 Introduction and General Provisions
- 13.25 Definitions
- 13.26 Management, Operation and Control
- 13.27 User Rules and Regulations
- 13.28 Regulations
- 13.29 Sewer User Charge System
- 13.30 Control of Industrial and Septage Wastes
- 13.31 Payment For Charges
- 13.32 Annual Audit
- 13.33 Violations and Penalties

**SUBCHAPTER I: GENERAL PROVISIONS**

**13.01 JOINT LIABILITY FOR UTILITY BILLS.** The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the City.

**13.02 COLLECTION OF UTILITY BILLS IN ARREARS.** (1) **AUTHORITY.** All water and sewer service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in §§66.0809 and 66.0821, Wis. Stats., respectively.

- (2) **PROCEDURE.** (a) On or about October 1 of each year, the Secretary of the St. Croix Falls Sewer and Water Utilities shall furnish the City Clerk a list of all unpaid utility bills, including penalties, which are in arrears.
  - (b) On October 15 of each year, the Clerk shall mail a notice of such arrearages by first class mail to the occupant and to the owner of the premises receiving such utility service.
  - (c) In the event any such utility bill is not paid by November 1 thereafter, the Clerk shall add a penalty of 3%.
  - (d) In the event any such utility bill is not paid on or before November 15 thereafter, the Clerk, on November 16, shall place the amount of such arrearages, together with penalty, on the tax roll as a tax against the lot or parcel of real estate for which water and sewer services are provided.

**13.03 OUTSIDE WATER AND SEWER SERVICE.** No water or sewer service shall be extended outside the City limits.

**13.04 SEWER AND WATER MAIN EXTENSION.** (1) **APPLICATION FOR.** The owners of property which is not served by City sewer or water may apply to the Council for sewer and water main extensions. The Council shall determine the feasibility of such proposed extensions.

- (2) **CONSTRUCTION.** The City shall construct all sewer and water main extensions.
- (3) **COST OF CONSTRUCTION.** (a) If the property benefited by such extension is exclusively that of the requesting property owner or owners, the extension may be financed as follows:
  1. The property owner or owners may pay the City 100% of the estimated cost of the project prior to construction, and final settlement shall be made immediately after construction is completed, or
  2. The City shall levy a special assessment for such extension and provide for installment payments, together with interest.
- (b) If it is necessary to traverse other land, the requesting property owners may finance the cost of the benefit to their property, as provided in par. (a)

above, and the City shall levy a special assessment upon other benefiting properties. However, if the Council determines that the special assessment upon such other land should be deferred, the requesting property owners shall pay to the City the estimated amount of such deferred assessments prior to construction. The City shall reimburse such payment when said deferred special assessments are activated.

**13.05 SEWER AND WATER CONNECTIONS.** (1) **REQUIRED.** To assure the preservation of public health, comfort and safety, the Council, in accordance with §144.06, Wis. Stats., hereby requires that any building used for human habitation and located adjacent to a City sewer or water main, or in a block through which such sewer or water main extends, shall be connected with said sewer or water by means of direct laterals.

- (2) **PENALTY.** Any person failing to comply for more than 10 days after notice in writing of their failure to make the appropriate connection shall be subject to a forfeiture of not less than \$10 nor more than \$200 for said violation. Each day of violation shall constitute a separate offense.
- (3) **CONNECTION BY CITY.** As an alternative to the penalty provided in sub. (2) above, the Council may cause the necessary connections to be made and the expense thereof shall be assessed as a special tax against the property in question. The owner may then, within 30 days after the completion of the work, file a written option with the City Clerk stating that he cannot pay such amount in one sum and request that it be levied in not to exceed 5 equal annual installments and that amount shall be so collected with interest at the current municipal rate per annum from the completion of the work, the unpaid balance to be a special tax lien.

**13.06 to 13.10 (Reserved)**

**SUBCHAPTER II: ST. CROIX FALLS WATER UTILITY**

**13.11 MANAGEMENT.** The St. Croix Falls Water Utility shall be managed by the Council.

**13.12 RULES AND REGULATIONS.** (1) **GENERAL.** The rates and rules and regulations governing the operation of the St. Croix Falls Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

- (2) **OPERATING RULES.** (a) Applicability. All persons now receiving water service from the Utility or who may hereafter make application therefor shall be considered as having agreed to be bound by all rules and regulations as filed with the Public Service Commission.
- (b) Public Service Commission Rules Adopted. The following provisions of Wis. Adm. Code PSC 185 are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in sec. 13.23 of this chapter.

185.11	Authorization For and Application of Rules
185.12	Definitions
185.13	General Requirements
185.15	Free or Discriminatory Service Prohibited
185.16	Protection of Utility Facilities
185.17	Interference With Public Service Structures
185.18	Location of Records
185.19	Retention of Records
185.21	Schedules to be Filed With the Commission
185.22	Information Available to Customers
185.31	Metered Service
185.32	Meter Readings and Billing Periods
185.33	Billing
185.35	Adjustment of Bills
185.36	Deposits
185.37	Disconnection and Refusal of Service
185.38	Deferred Payment Agreement
185.39	Dispute Procedures
185.41	Employees Authorized to Enter Customer's Premises
185.42	Customer Complaints
185.43	Construction Records
185.44	Records and Reports of Service Interruptions
185.45	Pumpage Records
185.46	Meeting Equipment Records
185.47	Other Records
185.51	Requirement for Good Engineering Practice
185.52	Construction Standards
185.61	Meters
185.65	Accuracy Requirements For Customer Meters
185.71	Meter Testing Facilities and Equipment
185.72	Calibration of Meter Testing Equipment

185.73	Testing of Customer Meters
185.74	Test Flows
185.75	Required Tests of Customer Meters
185.751	Alternate Sample Testing Plan
185.76	Periodic Tests
185.77	Complaint Tests
185.78	Referee Tests
185.79	Testing of Metering Installations Having Remote Registers
185.795	Jumpering Meter Settings
185.81	Quality of Water
185.815	Adequacy of Water Supply
185.82	Pressure Standards
185.83	Station Meters
185.84	Emergency Operation
185.85	System Losses
185.86	Flushing Mains
185.87	Operation of Distribution System Valves and Hydrants
185.88	Interruptions of Service
185.89	Thawing Frozen Services

**13.13 CROSS-CONNECTIONS.** (1) **DEFINITION.** A cross-connection shall be defined as any physical connection or arrangement between 2 otherwise separate water systems, one of which contains potable water from the City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

- (2) **PROHIBITED.** No person 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 City may enter the supply or distribution system of the City.
- (3) **DUTY TO INSPECT.** It shall be the duty of the Water Superintendent to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Superintendent and as approved by the Wisconsin Department of Natural Resources.
- (4) **ENTRY FOR INSPECTION.** Upon presentation of credentials, the Water Superintendent or his representative 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 City for cross-connections. If entry is refused, the Superintendent or such representative shall obtain a special inspection warrant under §66.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the Superintendent or his representative any pertinent information regarding the piping system or systems on such property.
- (5) **DISCONNECTION OF WATER SERVICE.** The Superintendent is hereby authorized and directed to discontinue water service of 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 under Ch. 68, Wis. Stats., except as provided in sub. (6) below. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

- (6) **EMERGENCY DISCONNECTION.** If it is determined by the Superintendent that any cross-connection constitutes an emergency endangering public health, safety or welfare and thereby requires immediate action, a written finding to that effect shall be filed with the City Clerk and delivered to the customer's premises, and service shall be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68, Wis. Stats., within 10 days of such emergency discontinuance.
- (7) **STATE CODE ADOPTED BY REFERENCE.** The City adopts, by reference, the State Plumbing Code of Wisconsin, Wis. Adm. Code COMM 82.

**13.14 PRIVATE WELL ABANDONMENT.** (1) **PURPOSE.** The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells shall be properly filled and sealed.

- (2) **COVERAGE.** All private wells located on any premises which is served by the public water system of the City shall be properly filled by December 31, 1987. Only those wells for which a well operation permit has been granted by the City Clerk may be exempted from this requirement, subject to conditions of proper maintenance and operation. Those areas outside the corporate boundaries of the City which are connected to the City distribution system shall adopt their own ordinance to comply with Wis. Adm. Code NR 112 and this section.
- (3) **WELL OPERATION PERMITS.** A permit may be granted to a well owner to operate a well for a period not to exceed 2 years if the following requirements are met. Application shall be made on forms furnished by the City Clerk.
  - (a) The well and pump installation meet the requirements of Wis. Adm. Code NR 112 and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
  - (b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by 3 samplings 2 weeks apart.
  - (c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
  - (d) No physical connection shall exist between the piping of the public water system and the private well.
- (4) **METHOD OF ABANDONMENT.** Wells to be abandoned shall be filled and sealed according to the procedures outlined in Wis. Adm. Code NR 112. The

pump and piping must be removed and the well checked for obstructions prior to the plugging. Any obstruction or well liner shall be removed. All costs of required work and materials shall be paid for by the property owner.

- (5) **REPORTS AND INSPECTION.** A well abandonment report shall be submitted by the well owner to the Department of Natural Resources on forms provided by that agency which are available at the office of the City Clerk. The report shall be submitted immediately upon completion of the filling and sealing of the well. The well filling and sealing shall be observed by an authorized representative of the Utility Commission.
- (6) **PENALTY.** Any person violating any provision of this section shall, upon conviction, be subject to a forfeiture of not less than \$200 nor more than \$1,000, together with the costs of prosecution. Each 24 hour period during which a violation exists shall be deemed and constitute a separate offense.

**13.15 FLUORIDATION OF WATER SUPPLY.** Approximately one to 1.5 parts of fluoride to every million parts of water, by distribution, shall be introduced into the City's water supply.

**13.16 WATER SERVICE RATES. (1) QUARTERLY SERVICE CHARGE.**

5/8 inch meter . . \$	11.25	3 inch meter . . \$	72.00
3/4 inch meter . .	11.25	4 inch meter . .	122.00
3 inch meter . .	15.90	6 inch meter . .	246.00
1-1/4 inch meter . .	23.00	8 inch meter . .	350.00
1-1/2 inch meter . .	33.00	10 inch meter . .	450.00
2 inch meter . .	44.75	12 inch meter . .	550.00

**(2) VOLUME CHARGE.**

First 9,000 cubic feet used each quarter -	\$1.75/100 cubic feet
Next 26,000 cubic feet used each quarter -	\$1.25/100 cubic feet
Next 65,000 cubic feet used each quarter -	\$.96/100 cubic feet
Over 100,000 cubic feet used each quarter -	\$.82/100 cubic feet

**13.17 FIRE PROTECTION SERVICE.** Pursuant to §196.03(3)(b), Wis. Stats., the City has chosen to have the Utility bill the retail general service customers for public fire protection service.

- (1) Fire protection service shall include the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purposes of extinguishing fires within the service district. For all other purposes, the metered or other rates set for, or as may be filed with the Public Service Commission, shall apply.

**Quarterly Public Fire Protection Service Charge:**

5/8 inch meter . . \$	30.90	3 inch meter . . \$	463.20
3/4 inch meter . .	30.90	4 inch meter . .	771.90
1 inch meter . .	77.40	6 inch meter . .	1,543.50
1-1/4 inch meter . .	114.30	8 inch meter . .	2,469.60

MUNICIPAL UTILITIES 13.18

1-1/2 inch meter . . .	154.50	10 inch meter . . .	3,704.10
2 inch meter . . .	247.20		

(2) Fire protection service shall include nonmetered connections to the main for automatic sprinkler systems, etc.

Quarterly Private Fire Protection Service Charge:

2 inch connection . . .	\$28.50	6 inch connection . . .	\$176.70
3 inch connection ..	53.10	8 inch connection ..	282.90
4 inch connection . . .	88.50	10 inch connection . . .	424.20

13.18 to 13.22 (Reserved)

13.23 PENALTY. Any person who shall violate any provision of this subchapter or any order rule or regulation thereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.

**SUBCHAPTER III: ST. CROIX FALLS SEWER UTILITY**

**13.24 INTRODUCTION AND GENERAL PROVISIONS.** (1) This subchapter regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage system within the City. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the City to comply with administrative provisions and other discharge criteria which are required or authorized by State or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the City sewerage system.

- (2) This subchapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees and the issuing of permits to certain users. Revenues derived from the application of this subchapter shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, department service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This subchapter shall supersede any previous ordinance, rules or regulations and shall repeal all parts thereof that may be inconsistent with this subchapter. If there is any conflict between this subchapter and any applicable State Statute, the Statute shall be controlling.

**13.25 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

- (1) **APPROVING AUTHORITY.** The Council of the City or its duly authorized committee, agent or representative.
- (2) **AMMONIA NITROGEN (NH<sub>3</sub>-N).** One of the oxidation states of nitrogen in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods" or Wis. Adm. Code NR 149.
- (3) **BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 200 C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with the procedure set forth in the most recent edition of "Standard Methods."
- (4) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes within the building and extending 3 feet beyond the building wall and conveys it to the building sewer.
- (5) **BUILDING SEWER.** The extension from the public sewer or other place of disposal beginning 3 feet outside the outer face of the building wall.

- (6) CHEMICAL ELEMENTS AND COMPOUNDS. The substitutes listed on pages 13-10, 13-11 and 13-12 of this subchapter that are typically found in wastewater and may be regulated by this subchapter.
- (7) COMPATIBLE POLLUTANTS. Biochemical oxygen demand, suspended solids, phosphorus, ammonia or pH plus additional pollutants identified in the WPDES permit for the publicly-owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (8) FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater or septage shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection of the treatment system.
- (9) GARBAGE. The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products, including produce.
- (10) GROUND GARBAGE. Garbage that has been shredded to such a degree that all particulates do not exceed 1/2 inch in diameter and will be carried freely in suspension under normal flow conditions in sewers.
- (11) HOLDING TANK SERVICE AREA. The area outside the POTW's sewer service area, but within the POTW's planning area where a contract has been developed for holding tank wastewater to be treated at the Wastewater Treatment Facility.
- (12) INCOMPATIBLE POLLUTANTS OR WASTEWATER. Wastewater or septage with pollutants of such a strength that will adversely affect or disrupt the wastewater treatment process, or effluent quality or sludge quality if discharged to the sewerage system.
- (13) INDUSTRIAL WASTE. The wastewater from industrial, trade or business, processes as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (14) LICENSED DISPOSER. A person or business holding a valid license to do septage servicing under Wis. Adm. Code NR 113.

Aldrin	$C_{12}H_4Cl_4$
Ammonia Nitrogen	$NH_3$
Arsenic	As
Benzene	$C_6H_6$
Benzo (a) Anthracene	$C_{14}H_{10}$
Benzo (a) Pyrene	$C_{20}H_{12}$
Beryllium	Be
BIS (2-Ethylhexyl) Plthalate	$(C_3H_7(C_2H_5)CHCH_2OCO)_2C_4H_4$

Cadmium	Cd
Carbon Tetrachloride	$\text{CCl}_4$
Chlordane	$\text{C}_{10}\text{H}_6\text{Cl}_8$
Chloroform	$\text{CHCl}_3$
Copper	Cu
Chromium	Cr
Cyanide	Cn
DDT	$(\text{ClC}_6\text{H}_4)_2\text{CHCCl}_3$
DDD	$(\text{ClC}_6\text{H}_4)_2\text{CHCHCl}_2$
DDE	$(\text{C}_6\text{H}_4)_2\text{C}:\text{CCl}_2$
Dieldrin	$\text{C}_{12}\text{H}_{10}\text{OCl}_4$
3,3-Dichlorobenzidine	$\text{C}_6\text{H}_3\text{Cl}_2\text{N}_2$
Dichloromethane	$\text{CH}_2\text{Cl}_2$
2,4-D	$\text{C}_6\text{H}_3(\text{OCH}_2(\text{OOH})\text{Cl})_2$
Dimethyl Nitrosoamine	$(\text{CH}_3)_2\text{NNO}$
Endrin	$\text{C}_{12}\text{H}_8\text{OCl}$
Heptachlor	$\text{C}_{10}\text{H}_7\text{Cl}_7$
Hexachlorobenzene	$\text{C}_6\text{Cl}_6$
Hexachlorobutadiene	$\text{C}_4\text{Cl}_4$
Lead	Pb
Lindane	$\text{C}_{10}\text{H}_6\text{Cl}_6$
Malathion	$\text{C}_{10}\text{H}_{16}\text{O}_4\text{PS}_2$
Mercury	Hg
Molybdenum	Mo
Nickel	Ni
Nitrogen	N
PCB's	$\text{C}_{12}\text{H}_{10}$ $\text{C}_{12}\text{H}_4\text{Cl}$ $\text{C}_{12}\text{H}_4\text{Cl}_2$ $\text{C}_{12}\text{H}_7\text{Cl}_3$

	$C_{12}H_4Cl_4$
	$C_{12}H_5Cl_5$
	$C_{12}H_3Cl_7$
	$C_{12}H_2Cl_4$
	$C_{12}H_{11}Cl_9$
	$C_{12}Cl_{10}$
Pentachlorophenol	$C_4C_5OH$
Phenanthrene	$C_{14}H_{10}$
Phenol	$C_6H_5H$
Phosphorous	P
Radium	Ra
Selenium	Se
Tetrachloroethylene	$CCl_2CCl_2$
Toxaphene	$C_{10}H_{10}C_8$
Trichloroethylene	$CHClCCl_2$
2, 4, 6-trichlorophenol	$C_6H_2Cl_3OH$
Vinyl Chloride	$CH_2CHCl$
Zinc	Zn

- (15) MUNICIPAL WASTEWATER. The wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water and storm water that may have entered the sewerage system inadvertently.
- (16) NATURAL OUTLET. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or ground water.
- (17) PARTS PER MILLION. A weight-to-weight ratio: the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (18) PERSON. Any individual, firm, company, municipal or private corporation, partnership, association, society, institution, enterprise, government agency or other entity.
- (19) pH. The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Natural water, for example, has a pH value of 7 and hydrogen ion concentration of  $10^{-7}$ .

- (20) **PUBLIC SEWER.** Any sewer provided by or subject to the jurisdiction of the City. It shall also include any sewer within or outside the corporate boundaries of the City that serves one or more persons and which ultimately discharges into the City sanitary sewer system.
- (21) **SANITARY SEWAGE.** A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface and storm waters as may have inadvertently entered the sewage system.
- (22) **SANITARY SEWER.** A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with small quantities of ground, storm and surface waters that are not admitted intentionally.
- (23) **SEPTAGE.** The wastewater or other contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (24) **SEWAGE.** The spent water of a community. The preferred term is “municipal wastewater.”
- (25) **SANITATION INSPECTOR.** The City Plumbing Inspector, as appointed by the Council.
- (26) **SEWER SERVICE AREAS.** The areas presently served and anticipated to be served by a municipal wastewater collection system.
- (27) **SEWER SERVICE CHARGE.** A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses, including replacements of said facilities, as well as the costs of operation and maintenance.
- (28) **SEWER SYSTEM.** The common sanitary sewers within a sewerage system which are primarily installed to receive wastewater directly from facilities which convey wastewater from individual structures or from private property, and which include service connection “Y” fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of sewerage collection system,” except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a “sewer system” when such units are cost effective and are owned and maintained by the sewerage owner.
- (29) **SHALL.** “Shall” is mandatory.
- (30) **SLUGLOAD.** Any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (31) **STANDARD METHODS.** The examination and analytical procedures set forth in the most recent edition of “Standard Methods For the Examination of Water,

Sewage and Industrial Wastes,” published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

- (32) **STORM DRAIN (STORM SEWER).** A drain or sewer for conveying surface water, ground water and surface water or unpolluted water from any source.
- (33) **STORM WATER RUNOFF.** That portion of the rainfall that is collected and drained into the storm sewer.
- (34) **SUSPENDED SOLIDS.** Solids that either float on the surface of or are in suspension in water, wastewater, septage or other liquids, and that are removable by laboratory filtering as prescribed in “Standards Methods” and are referred to as nonfilterable residue.
- (35) **WASTEWATER FACILITIES.** The structures, equipment and processes required to collect, carry away, store and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (36) **WASTEWATER TREATMENT WORKS.** An arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with waste treatment.
- (37) **WATERCOURSE.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**13.26 MANAGEMENT, OPERATION AND CONTROL.** (1) The management, operation and control of the sewer system for the City shall be vested in the sewer Utility; all records, minutes and all written proceedings thereof shall be kept by the City Clerk. The City Treasurer shall keep all the financial records.

- (2) **CONSTRUCTION.** The City 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 and public grounds of the City, and, generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The City shall have power through its officers, agents, employes, servants and representatives to enter upon any land, public or private, for the purpose of making an examination or supervise in the exercise of its powers under this subchapter, without liability therefor, and the City shall have power to purchase and acquire for the City all real and personal property which may be necessary for construction of the sewer system or for any repair, remodeling or additions thereto.
- (3) **MAINTENANCE OF SERVICES.** The owner of any property served by the sewer system shall maintain sewer service from the street main to the house and including all controls between the same without expense to the City, except when such facilities are damaged as a result of negligence or carelessness on the part of the City. All sewer services shall 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 relaid and there are 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.

- (4) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall, in the judgment of the Council, be necessary to the sewer system, the City shall have the authority to acquire such lands or easements and may, in the exercise of its police power, condemn such property or interests and acquire them by eminent domain or pursuant to the provisions of the Uniform Relocation and Real Property Acquisition Policy Act of 1970 if Federal funds are used.
- (5) **TITLE TO REAL ESTATE AND PERSONALTY.** 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, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the City.

**13.27 USER RULES AND REGULATIONS.** (1) **GENERAL.** The rules, regulations and sewer rates of the City hereinafter set forth shall be considered a part of the contract with every person whose property is connected to or uses the City sewer system or waste-water treatment facility and every such person, company or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations or such others as the City may hereafter adopt are violated, the use of service may be suspended from the building or place of such violation, even though 2 or more parties are receiving service through the same connection, and shall not be re-established except by order of the City and on payment of all arrears, the expenses and established charges of shutting off and turning one, and upon such other terms as the City may determine, including a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the City, furthermore, may declare any payment made for the service by the same party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the City to change these rules, regulations and sewer rates from time to time as it may deem advisable, and to make special rates and contracts in all proper cases. The following rules and regulations for the regulation of licensed plumbers, sewer users and others are hereby adopted and established.

- (2) **PLUMBERS.** 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 and obtaining written permission from the City. All service connections to the sewer main shall comply with the State Plumbing Code.
- (3) **USERS, MANDATORY HOOKUP.** (a) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or which is located in a block through which such system is extended shall connect to such system within 365 days of notice, in writing, from the City. Upon failure to do so, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such amount shall be assessed as a special tax against the property. The owner may, within 30 days after the completion of the work, file a written request with the City stating that he cannot pay such amount in one payment and seeking to pay the amount levied in not to exceed 10 equal installments which shall accrue interest at a rate not to exceed 15% per year from the completion of the work, the unpaid balance to be a special tax lien pursuant to §281.45, Wis. Stats.

- (b) In lieu of the provisions in par. (a) above, the City, at its option, may impose a penalty for the period that the violation continues, after 10 days written notice, to any owner failing to make a connection to the sewer system, of a forfeiture in the amount of not less than \$25 nor greater than \$750. Upon failure to pay the forfeiture, the amount thereof shall be assessed as a special tax against the property, pursuant to §281.45, Wis. Stats.
  - (c) The Council finds that failure to connect to the sewer system is a failure to conform to the minimum health standards of the City, constitutes a public nuisance and poses a threat to the public health, comfort and safety of City residents.
- (4) **SEPTIC TANKS PROHIBITED.** The maintenance and use of septic tanks, holding tanks and other private sewage disposal systems within the area serviced by the City sewer system is hereby declared to be a public nuisance and a health hazard. After the date on which this subchapter first becomes effective, no new septic tank, holding tank or other private sewage disposal system shall be constructed within any part of the City where sewer service is available in accordance with sub. (3) above. After such date, existing septic tanks, holding tanks and private sewage systems located in areas not serviced by the City sewer system may continue to be used until failure. Upon failure, the owner of such tank or system shall report the same to the City which may, at its option, permit the repair or replacement of such tank or system, or provide sewer service to the property involved through extension of the City sewer system. At such time as City sewer service becomes available to property serviced by a septic tank, holding tank or private sewage disposal system, the City may, at its option, require the owner to remove such tank or system from service and to connect to the City sewer system.
- (5) **APPLICATION FOR SEWER SERVICE.** Every person desiring to connect to the sewer system shall file an application in writing with the City Clerk on such forms as are prescribed for that purpose. Each application for a new sewer service shall be accompanied by an application fee in the amount of \$25. Applications shall be furnished at the office of the Clerk. The application shall require a description by the applicant of the wastes which shall be discharged. If the applicant is not the owner of the premises, the written consent of the owner shall accompany the application. Owners of property connected to the City sewer system are referred to as “users.” If it appears that the service applied for will not provide adequate service for the contemplated use, the City may reject the application. If the City approves the application, it shall issue a permit for service as requested on the application.
- (6) **APPLICATION FOR SEPTIC DISPOSAL.** (a) No later than September 1 of each year, every licensed disposer wishing to discharge septage to the City sewer system during the succeeding year shall file an application with the City Clerk on a form prescribed for that purpose. The application shall contain a description by the applicant of the type, frequency, quantity, quality and location of generated septage to be disposed in the City sewer system. Each application for a septic disposal permit shall be accompanied by an application fee in the amount of \$25.

- (b) During the month of September of each year, the City shall evaluate the applications and make a determination as to the amount and conditions of septage disposal in the City sewer system. The City shall approve or reject such applications by October 1 of each year and shall issue an appropriate permit to each generator whose application is accepted. If the City cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage whose properties are located within the sewer service or holding tank service areas (see Wis. Adm. Code NR 205.07(2)(h)).
  - (c) All City permits for septage disposal shall include the condition that during any time the sewer system experiences operational problems, maintenance problems or conditions which may result in violation of its WPDES permit that are indirectly or directly related to septage disposal, the City may immediately restrict septage disposal until such time as corrective measures have been taken.
- (7) LATERAL INSTALLATION. Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.
  - (8) TAP PERMITS. After sewer connections have been made to any building premises, no plumber shall make any alterations, extensions or attachments unless the person ordering such tapping or other work exhibits the proper permit for the same from the City.
  - (9) 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.
  - (10) BACKFLOW PREVENTOR. All floor drains shall have a back-flow prevention valve installed at the owner's expense.
  - (11) USER USE ONLY. No user shall permit other persons or other services to connect to the sewer system through his lateral.
  - (12) 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 City shall be notified in writing. The owner of the premises shall provide for disconnection of the service using procedures that will avoid damage to and protect the functional integrity of the sewer system. The owner of the premises shall be liable for any damages to the system resulting from the disconnection.
  - (13) USER TO PERMIT INSPECTION. Every user shall permit any duly authorized agent of the City, at all reasonable hours of the day, to enter their premises or building to examine any component of or connection to the sewer system. Each user shall, at all times, frankly and without concealment, answer all questions put to him relative to its use of the system, in accordance with this subchapter and §196.171, Wis. Stats.
  - (14) UTILITY RESPONSIBILITY. No claim shall be made against the City or its agents, employees or representatives by reason of the breaking, clogging, stoppage

or freezing of any service pipes, nor for any damage arising from repairing mains, making connections or extensions or from any other work that may be deemed necessary. The City reserves the right, in its discretion, to review damage to the property of users related to operation of the sewer system and to determine whether unusual circumstances resulted in such damage so as to merit compensation therefor. The City may suspend service at any time for the purpose of repairs or for any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the City, the City shall, if practicable, give notice to each and every user within the City of the time when such service will be shut off.

- (15) **EXCAVATIONS.** In making excavations in streets or highways for laying service pipe or making repairs, the pavement and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public. No person shall leave any such excavation made in any street or highway open at any time without barricades. During the night, warning lights shall be maintained at such excavations by such person. Excavations made in order to install service pipes shall be refilled by laying earth in layers of not more than 9 inches in depth and each layer thoroughly compacted to prevent settling. Such work, together with the replacing of sidewalks, ballast and paving, shall be done so as to restore the street to a condition as good or better than its condition immediately prior to the excavation and to the satisfactory to the City. No opening of the streets for tapping pipes shall be permitted when the ground is frozen.
- (16) **TAPPING THE MAINS.** No person, without written permission of the Director of Public Works, shall be permitted, under any circumstances, to tap the mains or collection pipes. The kind and size of connections with the pipes shall be as specified in the permit or order from the City to ensure that new sewers and connections to the sewer system are properly designed and constructed. Pipes shall always be tapped on top and not within 6 inches of a joint or within 24 inches of another lateral connection. All service connections to mains shall comply with the State Plumbing Code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adapters or couplings.
- (17) **INSTALLATION OF HOUSE LATERALS.** All service pipes (laterals) on private property shall be installed in accordance with Wis. Adm. Code COMM 82, "Design, Construction, Installation, Supervision and Inspections of Plumbing," specifically COMM 82.04, "Building Sewers." As required by COMM 82.04(5), the building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling.
- (18) **EXTENSIONS.** The City shall extend sewer mains to new users in accordance with the following conditions, including payment of charges as indicated:  
 (a) When an extension of a sewer main is required by the prospective user, said person shall make an application on the form prescribed for that purpose and shall file the application with the City Clerk. In considering the application, the City shall first determine the logical location of the next manhole or manholes. Next, the City shall determine the length and location of the extension, taking into

consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and State laws, ordinances and regulations.

- (b) The person who requests an extension shall pay the entire cost of said extension, including the cost of the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users in an equitable manner, determined by the City.
- (c) After making the decision as to the length and location of the extension and prior to the time of determining charges to be made related to the extension, the City shall determine the benefits to be received by any parcel that can be served by the extension and shall apportion the cost of the extension among the various parcels benefited in a manner to be determined by the City in its discretion and in accordance with applicable law relating to special assessments. The City may consider the recommendation of any prospective user requesting an extension for the division of the territory served into individual lots or parcels.
- (d) Payments made by the proposed user requesting an extension are to be considered contributions toward the cost of construction of the extension. Other owners of lots or parcels included in the area served by the extension shall be required to pay their equitable portion of the cost of the sewer extension in a manner and at times to be determined by the Council.
- (e) Sewer Hookup Charges. New connections or increased use of an existing connection due to expansion or construction shall be charged a hookup or increased use fee based on the following schedule. Increased use fees shall be calculated by the number of units, as specified below, added by the expansion or construction.
- (f) The connection or increased use fee shall be \$1,500 per unit. (For estimation purposes only, one "unit" is meant to represent the amount of usage by one residential home with 3 persons - approximately 240 gallons per day)

UNIT DETERMINATION

Classification	Unit of Value
1. Single residence.....	One unit
2. Duplex .....	Two units
3. Apartments .....	One unit per apartment
4. Commercial .....	One unit per 5,000 sq. ft. of floor space
5. Motels .....	One unit
6. Churches .....	One unit
7. Tavern/restaurants.....	One unit per 40 seats
8. Industrial .....	One unit per 10,000 sq. ft. of floor space

No classification shall receive less than one unit.

This section shall apply to any new connection, expansion or construction resulting in increased use for which the application for a building permit is submitted on or after the effective date of this section.

- (19) **SEPTAGE ACCEPTANCE LOCATION.** (a) Septage shall only be discharged to the City's sewerage system by City approved and State licensed disposers and at locations, times and conditions as specified by the City.
- (b) Septage discharges to City specified manholes may, under special circumstances, be permitted provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slugload to the wastewater treatment facility. Discharges may be limited to the normal working hours of City employees. Any person seeking permission to discharge septage into the City sewer system shall do so only upon written permission of the Director of Public Works which shall be obtained not less than 2 working days prior to the discharge and shall be granted only upon receipt by the Director of written documentation of the type and amount of discharge which is the subject of the request.
- (c) Septage discharges to the City septage holding facility at the wastewater treatment facility may be limited to the posted normal working hours of the facility. Discharges to the City septage holding facility shall be made only upon permission obtained from the Director of Public Works upon the same conditions as related to requests to discharge septage into a City manhole.
- (d) Forms for documentation of proposed discharge shall be available at the City Hall and the wastewater treatment facility and shall include the following information:
1. Name, address and telephone number of the discharger
  2. License number
  3. Type of septage
  4. Quantity of septage
  5. Estimated quality of septage
  6. Location, date, time and feed rate of discharge to the sewer system
  7. Source of septage
  8. Name and address of septage generator
  9. Other information as required by the City
- (20) **ADDITIONAL AUTHORITY.** The City may, at any time, establish specific connection and lateral charges for any main not covered by other provisions in this subchapter or when the City has made an extension and has filed to provide for lateral or connection charges. The City may amend or alter any connection or lateral charge after its establishment under the terms of this subchapter or previous ordinances or resolutions.

**13.28 REGULATIONS. (1) GENERAL DISCHARGE PROHIBITIONS.** No discharger shall cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:

## MUNICIPAL UTILITIES 13.28

- (a) Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the City wastewater treatment facilities or Wastewater Treatment Works.
- (b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (c) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in State or Federal Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the Toxic Pollutant List set forth in Wis. Adm. Code NR 215.
- (e) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair.
- (f) Any substance which may cause the City effluent or treatment residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (g) Any substance which will cause the City to violate its WPDES and/or other disposal system permits.
- (h) Any substance with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- (i) Any wastewater having a temperature which will inhibit biological activity in the City treatment works resulting in interference, but in no case, wastewater with a temperature at the introduction into the publicly-owned treatment works which exceeds 40° C. (104° F.).
- (j) Any slugload.
- (k) Any unpolluted water, including, but not limited to, noncontact cooling water.
- (l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (m) Any wastewater which causes a hazard to human life or creates a public nuisance.

- (n) Any storm water, surface water, ground water, roof run-off or surface drainage emanating from any clear water source, including any sump pump. Such waters may be discharged to a storm sewer or other waterway with permission of the City.
- (2) **LIMITATIONS ON WASTEWATER STANDARDS.** (a) National Categorical Pretreatment Standards. National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all discharges of the regulated industrial categories.
- (b) State Requirements. State requirements and limitations on discharges to the publicly-owned treatment works shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this subchapter or any other applicable section of this Code.
- (c) Right of Revision. The City reserves the right to amend this subchapter to provide for more stringent limitations or requirements on discharges to the publicly-owned treatment works where deemed necessary to comply with the objectives set forth in this subchapter.
- (d) Dilution. No discharger shall increase the use of potable or process water in any way nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this subchapter.
- (e) Supplementary Limitations. The City may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this subchapter or in other cases where imposition of mass limitations is deemed appropriate by the City.
- (f) Accidental Discharges. 1. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this subchapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review and shall be approved by the City before their construction. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facilities as necessary to comply with the requirements of this subchapter.
2. Dischargers shall notify the City immediately upon the occurrence of a slugload or accidental discharge of any substance prohibited by this subchapter. The notification shall include the location of the discharge and the date and time thereof, the type of waste, the concentration and volume, and corrective actions taken or proposed. Any discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the City wastewater facilities or Wastewater Treatment Works in addition to the amount

of any forfeitures imposed on the City on account thereof under State or Federal law.

3. Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employes as to whom to call in the event of a slugload or accidental discharge. Supervisors shall instruct all employes who may cause or discover such a discharge with respect to emergency notification procedure.

**13.29 SEWER USER CHARGE SYSTEM.** (1) **DEFINITIONS.** The terms set forth below shall have the following meanings:

- (a) Debt Service Charges. Includes all costs associated with repayment of debt incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.
  - (b) Normal Domestic Strength Wastewater. Wastewater with concentrations of BOD<sub>5</sub> and suspended solids no greater than 240 and 240 milligrams per liter (mg/l) respectively.
  - (c) Normal User. A user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat or other living quarters occupied by a person constituting a distinct household, business or commercial enterprise.
  - (d) Operation and Maintenance Costs. Includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, clear water flows (1/1) may be distributed in the same manner as O&M, land area of users, number of hookups, and actual or estimated water usage shall be divided proportionately among the various sewer users.
  - (e) Replacement Costs. Includes all cost necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.
  - (f) Sewer Service Charge. A service charge levied on users of the sewer system for repayment of capital expenses as well as operation and maintenance costs, including replacement of said facilities.
- (2) **POLICY.** It shall be the policy of the Council to obtain sufficient revenues to pay the costs of debt services and the operation and maintenance of the sewerage facilities, including a replacement fund, i.e., a cash amount to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance of the sewerage system during the service life for which such facilities were designed and constructed, through a system of sewer service charges as defined in this section. The system shall assure that each user of the sewerage system pays his proportionate share of the cost of such facilities.

- (3) **BASIS FOR SERVICE CHARGE.** The minimum quarterly charge shall be sufficient to pay the billing and customer related administration expenses, including office supplies, administrative salaries, various outside services, insurance, miscellaneous general expenses, rent and taxes. The unit price per volume shall be sufficient to pay the remaining annual cost of operation and maintenance, including any replacement fund, of the sewerage facilities. The method for determining user charges is described in the user charge system. The rates in this subchapter shall be reviewed and adjusted by action of the Council not less than biannually. Rates shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to operation and maintenance.
- (4) **SEWER SERVICE CHARGES.** A sewer service charge is hereby imposed upon each lot, parcel of land, building or premises served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in amounts determinable as follows:
- (a) Category A. Normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) no greater than 240 milligrams per liter (mg/l) and a total suspended solids (TSS) no greater than 240 milligrams per liter (mg/ l) and a total suspended solids (TSS) no greater than 240 mg/l. The sewer service charge for Category A wastewater is listed in Appendix A which is on file in the office of the City Clerk.
  - (b) Category B. Wastewater having organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) greater than 240 milligrams per liter (mg/l) and a total suspended solids (TSS) greater than 240 mg/l. The sewer service charge for Category B wastewater is listed in Appendix A which is on file in the office of the City Clerk.
  - (c) Category C. Septage and holding tank waste. Septage waste has organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) greater than 7,000 per liter (mg/l) and total suspended solids (TSS) greater than 15,000 mg/l. Holding tank waste which has organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) greater than 600 milligrams per liter (mg/l) and total suspended solids (TSS) greater than 1,800 mg/l. Septage and holding tank BOD<sub>5</sub> and TSS concentrations are based on data published by the Environmental Protection Agency. The sewer service charge for Category C wastewater is listed in Appendix A which is on file in the office of the City Clerk.

**13.30 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES.** (1) **INDUSTRIAL DISCHARGES.** If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewerage system which contain substances or possess the characteristics enumerated in sec. 13.28 of this subchapter and which, in the judgment of the City, may be detrimental to the sewerage system, the City may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the sewerage system.

- (c) Require a control over the quantities and rates of discharge.
  - (d) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provisions of sub. 13.29(4) of this subchapter.
- (2) CONTROL MANHOLES. (a) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling his waste, including domestic sewage.
- (b) Control manholes or access facilities shall be located and built in a manner acceptable to the City. If measuring devices are to be permanently installed, they shall be of a type acceptable to the City.
  - (c) Control manholes, access facilities and related equipment shall be installed by the person discharging the industrial waste, at his expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the City prior to the beginning of their construction.
- (3) MEASUREMENT OF FLOW. The volume of flow used for computing the sewer service and the cost recovery charges for nondisposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the City Water Utility.
- (4) PROVISION FOR DEDUCTIONS. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the City that more than 10% of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be determined by alternate means in the discretion of the City.
- (5) METERING OF WASTE. Devices for measuring the volume of waste discharged shall be required by the City if such volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval, installation and inspection, such meters may not be removed without the consent of the City.
- (6) WASTE SAMPLING. (a) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly. The determinations shall be required by the City.
- (b) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City. A minimum of at least quarterly sampling shall be necessary to determine sewer service charges.

- (c) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the City or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- (7) **PRETREATMENT.** When required, in the opinion of the City, to modify or eliminate waste that is harmful to the structures, processes or operation of the sewerage system, the discharger shall provide, at its expense, such preliminary treatment or processing facilities as may be required to render this suitable for discharge into the public sewers.
- (8) **GREASE AND/OR SAND INTERCEPTORS.** Grease, oil and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger 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 which are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel shall be performed by currently licensed disposal firms.
- (9) **ANALYSES.** (a) All measurements, tests and analyses of the characteristics of water, waste and septage to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the City.
  - (b) Determination of the character and concentration of the industrial waste shall be made by the person discharging it or his agent, as designated and required by the City. The City may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the City may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under Wis. Adm. Code NR 149 and be acceptable to both the City and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
- (10) **SUBMISSION OF INFORMATION.** Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review by the City prior to the commencement of construction if the effluent from such facilities is to be discharged into the public sewerage system. Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Director of Public Works a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

- (11) **EXTENT OF TIME.** When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposed to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time schedule may be presented for consideration by the City.

**13.31 PAYMENT FOR CHARGES.** (1) **PAYMENT AND PENALTY.** Each sewerage service charge shall be for the corresponding period of the water bill issued for the premises serviced and shall be payable to the City not later than 20 days after the end of each period. A penalty for late payment in an amount not to exceed 15% per year or as may be determined by the Council shall be added to the amount of any charge for sewer service not paid by the date fixed for final payment.

(2) **CHARGES A LIEN.** All sewage charges shall be a lien upon the property service pursuant to §66.0821(4)(c), Wis. Stats., and shall be collected in the manner therein provided.

- (3) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this subchapter shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Council, the credits to the sanitary sewerage account shall be available for the payment expenses incurred for operation, maintenance, repairs and depreciation of the sewerage system consistent with Wis. Adm. Code NR 162.11. Any funds in said account not required for payment of such expenses shall be available for the payment of principal and interest of bonds issued and outstanding or which may be issued to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Council may resolve to designate any such surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including any refunding bonds, shall be paid from this fund as to both principal and interest.

- (4) **EXCESS REVENUES.** Excess revenues collected from a user class shall be applied to operation and maintenance costs attributable to that class for the following year.

**13.32 ANNUAL AUDIT.** The City Sewer Utility shall have conducted an independent annual audit, the purpose of which shall be to maintain the Proportionality between users and user classes of the user charge system and to ensure that adequate revenues are available to pay increases in the costs of operation, maintenance, replacement of facilities and equipment and debt retirement.

**13.33 VIOLATIONS AND PENALTIES.** (1) **DAMAGES.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, equipment or other component which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest.

- (2) **WRITTEN NOTICE OF VIOLATION.** Any person connected to the sewerage system found to be in violation of a provision of this subchapter shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within

the period of time stated in such notice, permanently cease all violations. Any licensed disposer discharging to the sewerage system found to be in violation of a provision of this subchapter or of any regulation of the City relating to septage disposal may have his permit immediately revoked. A written order revoking the permit shall be issued to the violator describing the reasons for the revocation.

- (3) **DISCHARGE CAUSING DAMAGE.** Any person found to be responsible for allowing a discharge into the sewer system which cause damage to the sewerage system and/or any receiving water body shall, in addition to a forfeiture, pay to the City the amount necessary to repair all damages, both of which amounts shall be established by the City.
- (4) **DISCHARGE REPORTING.** Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to Director of Public Works.
- (5) **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500, together with the costs of prosecution. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (6) **LIABILITY TO CITY FOR LOSSES.** Any person violating any provision of this subchapter shall become liable to the City for restitution of any expense, loss or damage occasioned by reason of such violation which the City may suffer as a result thereof.
- (7) **DAMAGE RECOVERY.** The City shall have the right to recover from all persons any expense incurred by the City for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under his control, or by any negligent acts.
- (8) **PENALTIES.** Any person who shall violate any of the provisions of this subchapter or rules or regulations of the City or who shall connect a service pipe or discharge without first having obtained a permit therefor, or who shall violate any provision of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference shall, upon conviction thereof, forfeit not less than \$25 nor more than \$750 and the cost of prosecution. This however, shall not bar the City from enforcing the connection duties set out in sec. 13.27(3) of this subchapter for mandatory hookup.