

## CHAPTER 52: SEWERS

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#### *GENERAL PROVISIONS*

##### **§ 52.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer at a point outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the municipal sewer or other place of disposal.

**CITY ENGINEER.** The official charged with the duty of superintending the municipal sewer system, or his or her authorized deputy, agent, or representative.

**COMMERCIAL PREMISES.** All buildings of structures which are not residential premises as herein defined.

**GARBAGE.** Solid wastes from the preparation, cooking, and dispensing of food or from the handling, storage, and sale of foods or produce.

**INDUSTRIAL WASTES.** The liquid wastes from industrial processes as distinct from sanitary sewage and garbage.

**MUNICIPAL SEWER.** A sewer operated by the municipality for the benefit of citizens of the municipality generally.

**PRIVATE SEWER.** A sewer designed to serve a single user, provided that a special permit may be granted by the Superintendent for use of such sewer by one or additional users.

**PROPERLY SHREDDED GARBAGE.** Wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in municipal sewers with no particle greater than one-half inch in any dimension.

**RESIDENTIAL PREMISES.** All buildings or structures occupied and used exclusively as a home by not more than two families.

**SANITARY SEWAGE.** Water-carried wastes from toilets, sinks, baths, household laundries or tubs and similar facilities.

**SANITARY SEWER.** A sewer which carries sanitary sewage.

**SEWAGE DISPOSAL PLANT.** Any arrangement of devices or structures for treating sewage in order to eliminate or reduce its odor or other harmful or obnoxious characteristics.

**SEWAGE.** Any combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

**SEWER OUTLET.** Any termination of a sewer system into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**SEWER SYSTEM.** All facilities for collecting, pumping, treating, and disposing of sewage.

**SEWER.** A pipe or conduit for carrying storm water, sanitary sewage, or both.

**WATERCOURSE.** A natural or artificial channel in which a flow of surface water occurs, either continuously or intermittently.  
(Ord. 52, passed 2-2-76)

## **§ 52.02 DISPOSAL OF SOLID WASTE AND SEWAGE.**

No person shall place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the municipality, or in any area under the jurisdiction of said municipality, any human or animal excrement, solid waste, or other similar waste. No person shall discharge into any sewer outlet within the municipality, or in any area under the jurisdiction of said municipality, any sanitary sewage, industrial wastes or other polluted waters, unless suitable treatment has been provided in accordance with this chapter. Except as hereinafter provided, no person shall construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. Whenever a municipal sanitary sewer is constructed within 100 feet of the property line of any premises, the City Engineer shall notify the owner of any building used for human occupancy, employment, recreation, or similar uses on such premises of said fact and direct him or her to install toilet facilities thereon and to connect the facilities with the municipal sewer in accordance with this chapter, and the owner shall comply with the order within 90 days after date of receipt of the notice.

(Ord. 52, passed 2-2-76) Penalty, see § 52.99

## **§ 52.03 SEWER CONNECTIONS.**

(A) No person shall uncover, make any connections with or opening into, use, or alter any municipal sewer without first obtaining a written permit from the City Engineer. Any person desiring sewage service from the municipal sewer for premises not theretofore connected shall apply to the City Engineer for a permit. There shall be a separate form of sewer permit for residential and for commercial service. The owner, or an agent, may make application on a special form furnished by the municipality. The application shall be supplemented by any plans, specifications, and other pertinent

information. A permit and inspection fee of \$1 shall be paid to the City Clerk-Treasurer at the time the application is filed. Upon approval of the application, the applicant shall pay to the City Clerk-Treasurer the initial assessment charge (unless previously paid or arrangements for time payments made) as follows: \$650 for a residential premises, \$1,300 for commercial premises, and \$17,000 for the public school.

(B) No application for any new sewer service will be approved unless the property served has been inspected for cross-connections under §51.31 of this Code.

(Ord. 52, passed 2-2-76; Am. Ord. 52A, passed 10-6-94) Penalty, see § 52.99

#### § 52.04 BUILDING SEWERS.

(A) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner, and the owner shall indemnify the municipality from any loss or damage that may directly or indirectly be occasioned by the installation of any building sewer. A separate building sewer shall be provided for every building. Existing sewers may be used in connection with new buildings only if they are found on examination and test by the City Engineer to meet all requirements of this chapter. A building sewer shall be constructed of cast iron soil pipe, ASTM specification A74 or equal; vitrified clay sewer pipe, ASTM specification C425 or equal; PVC gravity sewer pipe, ASTM specification D3034 SDR 35 or equal; or other suitable material approved by the City Engineer. Joints shall be tight and waterproof. If installed in filled or unstable ground a building sewer shall be constructed of cast iron pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the City Engineer. The size and slope of the building sewer shall be subject to the approval of the City Engineer, and in no event shall the diameter be less than four inches and the slope less than 1/8-inch per foot. The wye connection and the building drain shall be uncovered and the differential elevation determined before construction is begun. Where practicable, the building sewer shall be laid on a uniform grade. Whenever possible, the building sewer shall be brought to the building at an elevation below the

basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid in straight alignment in so far as possible and change in direction shall be made only with properly curved pipe and fittings. Whenever any building drain is too low to permit flow to the municipal sewer, sewage carried by the drain shall be lifted by approved artificial means and discharged into the building sewer. All excavations required for the installation of a building sewer shall be open trench work unless other construction is authorized by the City Engineer. Pipe laying and backfill shall be performed in accordance with ASTM specification C12. No backfill shall be placed until the work has been inspected. All joints and connections shall be made gastight and watertight. Cast iron pipe joints shall be rubber gaskets conforming to ASTM C564. All joints in vitrified clay pipe shall be "O" ring joints conforming to ASTM C425; PVC gravity sewer pipe, and fittings shall have ring-tite joints conforming to ASTM D3034 SDR 35. Other jointing materials and methods may be used by approval of the City Engineer.

(B) The connection of a building sewer with the municipal sewer shall be made at a wye branch. If the sewer is 12 inches in diameter or less and no properly located wye branch is available, the owner may at his or her expense install a wye branch in the municipal sewer at a location specified by the City Engineer. The applicant for a sewer permit shall notify the City Engineer when the building sewer is ready for inspection. The connection shall be made under the supervision of the City Engineer. Excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a satisfactory manner. Any person constructing a building that is to be connected to the city sewer system shall first consult with the City Engineer relative to plumbing plans and grade requirements and shall obtain the City Engineer's approval of such plans.

(Ord. 52, passed 2-2-76) Penalty, see § 52.99

**§ 52.05 DISCHARGE INTO SEWERS.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters into any municipal sanitary sewer without an express permit from the City Engineer. Storm water or other unpolluted drainage, including industrial cooling water or unpolluted process water, may be discharged into such sewers as are specifically designated as storm sewers or to a natural outlet approved by the City Engineer.

(B) No person shall discharge or cause to be discharged any of the following described waters or wastes into any municipal sewer:

(1) Any liquid or vapor having a temperature higher than 150°F;

(2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease;

(3) Any gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid, or gas;

(4) Any garbage except properly shredded garbage;

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage system;

(6) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or to create any hazard in the water of the sewage disposal plant;

(7) Any waters or wastes containing suspended solids of such character and quantity that

unusual attention or expense is required to handle the materials at the sewage treatment plant;

(8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(B) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(Ord. 52, passed 2-2-76) Penalty, see § 52.99

**§ 52.06 INSPECTION.**

The City Engineer or other duly authorized employee of the municipality bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(Ord. 52, passed 2-2-76)

**§ 52.07 SEWERAGE SERVICE CHARGES.**

(A) There are hereby established just and equitable rates, charges, and rentals for treatment and disposal services and benefits as authorized by Wis. Stats. § 66.0821(4). The charges shall from time to time be at least sufficient to produce net revenues adequate to pay the principal of and interest on the



bonds payable from revenues of the sewage disposal plant as such principal and interest become due and to create and maintain required reserve therefore, and the rates, charges, and rentals shall be revised whenever necessary for such purpose. The rates, charges, and rentals shall be based on minimum quarterly charges.

(Ord. 52, passed 2-2-76)

#### **§ 52.08 PAYMENT OF CHARGES.**

The sewer charge shall be payable to the City Clerk-Treasurer on the last day of each quarter ending on the last days of March, June, September and December, and to any charges not paid within 20 days after due a penalty of 1% per month or fraction thereof shall be added, and all sewage charges shall become a lien upon the property served as provided for in Wis. Stats. § 66.0821(4)(d). It is hereby found and determined that the sewage disposal plant prevents pollution of the water supply and where the premises are connected to the municipal water system, the charge may be computed and collected quarterly by the City Clerk-Treasurer. Where premises are not connected to the municipal water service, the City Engineer may require that separate meters be installed to measure all sewage to be discharged into the municipal sewer or may refer the matter to the city for special charge and permit.

(Ord. 52, passed 2-2-76)

#### **§ 52.09 ALLOCATION OF CHARGES.**

All receipts from the initial assessment charge as made and collected pursuant to this chapter shall be credited to the Sewage System Construction Fund. The amount in the fund shall be used to pay the cost of construction, maintenance, and repair of main and service sewers. Any additional expense of the construction, maintenance, or repairs shall be provided out of the general fund. All proceeds from the rates, charges, and rental herein provided shall be credited to the Sewer Collection Fund and shall be

used and applied in accordance with the provisions of city's loan requirements on the sewer system.  
(Ord. 52, passed 2-2-76)

#### **§ 52.10 TAMPERING WITH SEWERAGE SYSTEM PROHIBITED.**

No unauthorized person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewerage system.

(Ord. 52, passed 2-2-76) Penalty, see § 52.99

#### **§ 52.11 OUTHouses, PRIVIES, VAULTS PROHIBITED.**

(A) (1) No outhouse, privy, vault, or cesspool shall be constructed or maintained upon any lot or part of a lot in the platted portion of the city, providing public sewer and water are available.

(2) The owners of all such lots where outhouses, privies, vaults, and cesspools are now used shall connect with the sanitary sewer system in a proper manner. All closets, outhouses, privies, cesspools, and vaults within the territory hereinafter described shall, on or before July 1, 1951, connect properly with the sanitary sewer of the city when available, or be removed, and all such closets, outhouses, privies, cesspools, and vaults not so connected or removed are hereby declared to be a menace to health and a nuisance.

(B) No person shall drain or empty any sewage, garbage or waste disposal into the storm sewers of the city.

(C) It shall be the duty of the City to strictly enforce the provisions of this section and to see that all violations thereof are abated as herein provided, and it shall be the duty of the Street Commissioner or police officer to investigate and report in writing any violations of this section. The

City thereupon shall serve notice to abate the privy, outhouse, cesspool, or vault and connect with the sewerage system in compliance with this section. (Ord. 28, passed 12-11-50) Penalty, see § 52.99

### **SEWER USE AND USER CHARGE SYSTEM**

#### **§ 52.25 PURPOSE.**

(A) 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 systems 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 the 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.

(B) 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 for capital outlay, debt 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 statute, the state statute shall be controlling. (Ord. 102A, passed 1-5-98)

#### **§ 52.26 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning

**APPROVING AUTHORITY.** The city or its duly authorized committee, agent, or representative.

**AMMONIA NITROGEN (NH-N).** One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH 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 the Wisconsin Administrative Code, Ch. NR 149.

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of *Standard Methods*.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receive the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.

**BUILDING SEWER.** That part of the lowest horizontal piping of a drainage system which receive the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.

**CHEMICAL ELEMENTS AND COMPOUNDS.** Are typically found in wastewater and may be regulated by this subchapter. These are as follows:

<i>Parameter</i>	<i>Unit</i>	<i>Limit</i>
Arsenic	mg/kg (dry weight)	41
Cadmium	mg/kg (dry weight)	39

<i>Parameter</i>	<i>Unit</i>	<i>Limit</i>
Copper	mg/kg (dry weight)	1500
Lead	mg/kg (dry weight)	300
Mercury	mg/kg (dry weight)	17
Molybdenum	mg/kg (dry weight)	—
Nickel	mg/kg (dry weight)	420
Selenium	mg/kg (dry weight)	100
Zinc	mg/kg (dry weight)	2800

**CLASS OF USERS.** The division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

**COMPATIBLE POLLUTANTS.** Biochemical oxygen demand, suspended solids, phosphorous, ammonia, or PH, plus additional pollutants identified in the WPDES permit for the publicly-owned treatment works receiving the pollutant if the works were designed to treat the additional pollutants to a substantial degree.

**EASEMENT.** An acquired legal right to install and maintain a portion of the sewer system.

**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 fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.

**GARBAGE.** The residue from the preparation, cooking and dispensing of food and from the handling, storage, and sale of food products and produce.

**GROUND GARBAGE.** The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will

be no greater than one-half inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

**HOLDING TANK SERVICE AREA.** The area outside the POTW's sewer service area, but inside or equal to the POTW's planning area where a contract has been developed for holding rank wastewater to be treated at the wastewater treatment facility.

**INCOMPATIBLE POLLUTANTS OR WASTEWATER.** Wastewater or septage or other specialized waste with pollutants or of such a strength that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to the sewerage system facility.

**INDUSTRIAL WASTES.** Any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial or manufacturing establishment or process or from the development, recovery, or processing of natural resources. **INDUSTRIAL WASTES**, under this section, shall include discharges from any Division D manufacturing user of the sanitary sewer system identified in the *Standard Industrial Classification Manual*, current edition, Office of Management and Budget, as amended and supplemented. A user in the Divisions listed may be excluded from industrial waste classification if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

**INFILTRATION.** The water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. **INFILTRATION** does not include and is distinguished from inflow.

**INFLOW.** The water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and/or combined

sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. **INFLOW** does not include and is distinguishable from infiltration.

**LICENSED DISPOSER.** A person or business holding a valid license to do septage servicing under Wisconsin Administrative Code, Ch. NR 113.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**NORMAL DOMESTIC STRENGTH SEWAGE.** Wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 250 milligrams per liter and an average daily BOD of not more than 200 milligrams per liter, phosphorous (P) concentration of not more than 0.0 milligrams per liter, Ammonia (NH<sub>3</sub>) of concentrations not more than 0.0 milligrams per liter.

**OPERATION & MAINTENANCE COSTS.** All costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment and treatment and collection of wastewater, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long term facility management.

**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.

**pH.** The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10.

**POTW.** A publicly-owned treatment works as defined in Wisconsin Administrative Code, Ch. NR 211.03.

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or

the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharge in or otherwise introducing such pollutants into a wastewater system.

**REPLACEMENT COSTS.** All costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility which is normally 20 years. A separate segregated distinct replacement fund shall be used for only replacement of the mechanical equipment.

**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 sewerage system.

**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.

**SEPTAGE.** The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies, or portable restrooms.

**SEWAGE.** The spent water of a community. The preferred term is "municipal wastewater."

**SEWER SERVICE AREAS.** The areas presently served and anticipated to be served by a municipal wastewater collection system. State regulations NR 121.05 require that water quality management plans delineate sewer service areas of urban areas.

**SLUG LOADING.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the system and/or performance of the wastewater system.



**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 and Federal of Sewage and Industrial Wastes Associations.

**STORM DRAIN or STORM SEWER.** A drain or sewer for conveying storm water, ground water, subsurface water, or unpolluted water from any source.

**STORM WATER RUNOFF.** That portion of the rainfall that is drained into the sewers.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and that are removable by laboratory filtering as prescribed in *Standard Methods for Examination of Water and Wastewater* and are referred to as nonfilterable residue.

**USER CHARGE SYSTEM.** The system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

**WASTEWATER.** A combination of the liquid and water carried wastes from residences, commercial building, industrial plants and institutions, together with any ground water, surface water and storm water that may be present.

**WASTEWATER TREATMENT WORKS.** An arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes use as synonymous with waste treatment.

**WATERCOURSE.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**WPDES.** Wisconsin Pollutant Discharge Elimination System.  
(Ord. 102A, passed 1-5-98)

## § 52.27 MANAGEMENT, OPERATION, AND CONTROL.

(A) *General.* The management, operation, and control of the sewer system for the city is vested in the Utilities Committee; all records, minutes, and all written proceedings thereof shall be kept by the City Clerk. The City Clerk 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 by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this subchapter, without liability therefore, and the Common Council 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.

(C) *Maintenance of services.* The owner 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 they are damaged as a result of negligence or carelessness on the part of the city. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two 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.

(D) *Condemnation of real estate.* Whenever any real estate or any easement therein, or use thereof, shall in the judgement of the city be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof cannot be made with the owner thereof, the city shall proceed with all necessary steps to take such real estate easement, or use be condemnation in accordance with the

Wisconsin Statutes and the Uniform Relocation Property Acquisition Policy Act of 1970, if federal funds are used.

(E) *Title to real estate and personalty.* All property, real, personal, and mixed, acquired for the construction of the sewer system, all plan specifications, diagrams, papers, books, and records connected therewith the sewer system and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the city.  
(Ord. 102A, passed 1-5-98)

## § 52.28 USER RULES AND REGULATIONS.

### (A) *General.*

(1) The rules, regulations, and sewer rates of the city set forth shall be considered a part of the contract with every person, company, or corporation who is connected to or uses the city sewer system or wastewater 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 the rules and regulations, or such others as the city may hereafter adopt, are violated, the use or service shall be shut off from the building or place of the violation (even though two or more parties are receiving service through the same connection) and shall not be reestablished except by order of the city and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the city may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of the violation, the city may declare any payment made for the service by the party or parties committing the violation to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the city to change these said rules, regulations, and sewer rates from time to time as they may deem advisable and make special rates and contracts in all proper cases.

(2) The following rules and regulations for the government of licensed plumbers, sewer users, and others are hereby adopted and established.

(B) *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 permission from the city. All service connections to the sewer main shall comply with the State Plumbing Code.

### (C) *Mandatory hook-up.*

(1) The owner of each parcel of land on which there exists a building usable for human habitation shall connect to the system with 365 days of notice in writing from the city. Upon failure to do so, the city may cause the connection to be made and bill the property owner for the costs. If the costs are not paid within 30 days, the notice shall be assessed as a special tax lien against the property, however, that the owner may within 30 days after the completion of the work file a written option with the City Clerk stating that he or she cannot pay the amount in one sum and ask that there be levied in not to exceed ten equal installments and that the amount shall be so collected with interest at the rate of 8% per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wis. Stats. § 281.45.

(2) In lieu of the above, the city at its option may impose a penalty for each day that the violation continues, after ten days written notice to any owner failing to make a connection to the sewer system of a fine in the amount of \$200. Upon failure to make such payment, the charge shall be assessed as a special tax lien against the property, all pursuant to Wis. Stats. § 281.45. \*

(3) This subchapter ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the city and fails to assure preservation of public health, comfort, and safety of the city.

(D) *Septic tank prohibited.* The maintenance and use of septic tanks, holding tanks, and other private sewage disposal systems within the area of the city serviced by its sewer system are declared to be a public nuisance and a health hazard. From and after December 1, 1950, the use of septic tanks, holding tanks, or any private sewage disposal system within the area of the city serviced by the sewerage system shall be prohibited.

(E) *Application for sewer service.*

(1) Every person desiring to connect to the sewer system shall file an application in writing to the city on such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the City Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the city are referred to herein as "users."

(2) 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 services as shown on the application.

(3) No application for any transfer of an existing sewer service to a new owner will be approved unless the property served has been inspected for cross-connections under §51.31 of this Code.

(F) *Application for septage disposal.*

(1) Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the city sewerage system shall file a nonrefundable filing fee and an application in writing to the city on such a form as is prescribed for that purpose. During the months of July and August, forms for the application will be furnished at the office of the city. The application must state fully and truly the type, frequency, quantity, quality, and location of generated septage to be disposed in the city sewerage system.

(2) During the month of September, the city will evaluate the applications and make a determination as to the amount and conditions of septage disposal in the city sewerage system. The city shall approve or reject all applications by October 1 of each year. If the city cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service or holding tank service areas (see Wisconsin Administrative Code, NR 205.07).

(3) All city approvals for septage disposal shall have the conditions that any time the sewerage system has operational problems, maintenance problems or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the city may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

(G) *Connection charge.* All persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.

(H) *Tap permits.* After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the city.

(I) *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.

(J) *Backflow preventor.* All floor drains shall have a backflow prevention valve installed at the owner's expense.

(K) *User use only.* No user shall allow other persons or other services to connect to the sewer system through their lateral.

(L) *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 must be notified in writing. The owner of the premises shall



be liable for any damages to the property of the system other than through the fault of the system or its employees, representatives, or agents.

(M) *User to permit inspection.* Every user shall permit the city or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate, and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this subchapter and Wis. Stats. § 196.171.

(N) *Utility responsibility.* It is expressly stipulated that no claim shall be made against the city or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations 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 affected user within the city of the time when such service will be shut off.

(O) *Excavations.*

(1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must 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, and during the night, warning lights must be maintained at such excavations.

(2) In refilling the opening after the service pipes are laid, the earth must be laid in layers of not more than nine inches in depth and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast, and paving must be done so as to make the street as good, at least, as before it was disturbed and satisfactory to

the city. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

(P) *Tapping the mains.*

(1) No person, except those having special permission from the city or person in their service and approved by them, will be permitted under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the city to ensure that new sewers and connections to the sewer system are properly designed and constructed.

(2) Pipes should always be tapped on top and not within six inches (15 cm) of the joint or within 24 inches (60 cm) of another lateral connection. All service connections to mains must 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 lateral/tee connection shall be made with approved adapters or couplings.

(Q) *Installations of house laterals.*

(1) All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter Comm 82, "Design, Construction, Installation Supervision and Inspections of Plumbing."

(2) As required by Chapter Comm 82, all laterals shall be inspected: "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."

(R) *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 the city has failed to provide lateral or connection charges. It is further provided that the city may amend or alter any connection or lateral charge after its establishment under the terms of this subchapter or any previous ordinances or resolutions.



(S) *Septage acceptance location.*

(1) Septage shall only be discharged to the sewerage system by city and state licensed disposers and at locations, times, and conditions as specified by the city.

(2) Septage discharges to city specified manholes may under special circumstances be allowed, provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the day and require written documentation of the discharge to be submitted to the city within one working day of the discharge to the city sewerage system.

(3) 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.

(4) Forms are prescribed for the purpose of documentation of the discharge will be furnished at the City Hall and will include the following information:

(a) Name, address, and telephone number of the hauler;

(b) License number;

(c) Type of septage or other specialized waste;

(d) Quantity of load;

(e) Estimated quality of load;

(f) Location, date, time, and feed rate of discharge to the sewerage system;

(g) Source of load;

(h) Name and address of waste generator;

(i) Other information as required by the city.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

**§ 52.29 GENERAL DISCHARGE PROHIBITIONS.**

No discharger shall contribute or 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 Authority:

(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 wastewater 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 5.0 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 unless the system is specifically designed to accommodate the wastewater.

(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.

(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 sewer for their maintenance and repair.

(F) Any substance which may cause the final 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 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, which shall mean any pollutant, including oxygen demanding pollutants (BOD and the like), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the publicly-owned treatment works.

(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 of concentration as exceed limits established by the Authority 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 runoff, or surface drainage or any other connections from inflow sources to the sanitary sewer. The water may be discharged to a storm sewer or other waterway with the permission of the city.  
(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

## § 52.30 LIMITATIONS ON WASTEWATER STRENGTH.

(A) *National categorical pretreatment standards.* National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all dischargers of the regulated industrial categories.

(B) *State requirements and limitations.* 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 chapter or any applicable ordinance.

(C) *Right of revision.* The authority reserves the right to amend this section 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 section.

(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 section.

(E) *Supplementary limitations.*

(1) No discharger shall discharge wastewater containing concentrations of the following enumerated materials: Kjeldahl Nitrogen, Ammonia Nitrogen, Phosphorus, and Potassium.

(2) The Authority may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards as a requirements of this section, or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.

(F) *Accidental discharges.*

(1) Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this section. 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 Authority for review and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures by the Authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of the section.

(2) Discharges shall notify the Authority immediately upon the occurrence of a "slugload," or accidental discharge of substances prohibited by this subchapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slugload or 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 fines imposed on the Authority on account thereof under state or federal law.

(3) Signs shall be permanently posted in conspicuous places on discharger's premises advising employees who to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

**§ 52.31 SUBMISSION OF GENERAL DISCHARGE DATA.**

(A) Within 90 days after passage of this subchapter, each user discharging industrial process wastewater to the wastewater system, if notified by the Approving Authority, shall be required to obtain a

discharge permit and file with the Authority an industrial wastewater discharge application, to be furnished by the authority, which shall supply pertinent data, including estimated quantity of wastewater flow, wastewater characteristics and constituents, plant operational characteristics, and other pertinent information requested with respect to the industrial production process and wastes. The questionnaire must be signed by an authorized representative of the industrial user. The fee required for a wastewater discharge permit shall be equal to the additional cost to the city of handling and treating the waste not covered by existing taxes or sewer charges.

(B) All existing industrial wastewater dischargers shall apply for permit within 30 days after the effective date of this subchapter. Similarly, each industrial wastewater discharger desiring to make a new connection or to modify an existing process or connection to the wastewater system shall apply for a new wastewater discharge permit at least 90 days before desiring such modification or connection and shall receive a permit before the process modification or connection is made to the wastewater system.

(C) All permits shall be issued for an unlimited period, subject to amendment or revocations as provided in this subchapter. Under special circumstances, a permit may be issued for a specific period or may be stated to expire on a specific date.

(D) If any waters, wastes, septage, or other specialized wastes are discharged or proposed to be discharged to the public sewerage system containing substances or possessing the characteristics which in the judgment of the Approving Authority may have deleterious effect upon the sewage works, processes, equipment, or receiving waters or otherwise create a hazard to life or health or constitute a public nuisance detrimental to the sewerage system, the Approving Authority may:

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the sewerage system.

(3) Require a control over the quantities and rates of discharge.

(4) Require the discharger to pay for all additional costs of treatment and the additional costs associated with bringing the wastewater treatment plant back into normal operation.

(E) Each user 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 of their wastes, including domestic sewage.

(F) Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority.

(G) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his or her expense, and shall be maintained by him or her 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 Approving Authority prior to the beginning of construction.

(H) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown by the water use or effluent flow recording data. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the waste. The flow metering device shall be calibrated on an annual basis by a independent certified technician and a report shall be sent to the wastewater treatment plant superintendent detailing the calibration. The city reserves the right to conduct an independent calibration of the meter at any time. The cost of the calibration will be paid by the discharger. Following

approval and installation, the meters may not be removed without the consent of the Approving Authority.

(I) Industrial wastes discharged into the public sewer shall be subject to periodic inspection and a determination of character and concentration of the wastes. These determinations shall be made as often as may be deemed necessary by the Approving Authority. Samples shall be collected in such a manner as to be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

(J) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure the preservation in a state comparable to that at the time the sample was taken.

(K) Laboratory procedures used in the examination of industrial wastes shall be those set forth in *Standard Methods*.

(L) If the person discharging the waste contests the determination of the strength and character of the waste, the city may elect to have an independent laboratory determine the character and concentration of the waste. The independent laboratory shall be certified under Wisconsin Administrative Code, Ch. 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.

(Ord. 102A, passed 1-5-98)

## § 52.32 PRETREATMENT.

(A) When required, in the opinion of the city, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at their expense



the preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(B) Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for the review of the city prior to the start of their construction if the effluent from the facilities is to be discharged into the public sewer.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

### **§ 52.33 GREASE AND/OR SAND INTERCEPTORS.**

Grease, oil, and sand interceptors, or other treatment equipment and/or means, shall be provided when in the opinion of the Approving Authority they are necessary for proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owners shall be responsible for the proper removal and disposal, by appropriate means, of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by the discharger(s) personnel must be performed by currently licensed disposal firms.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

### **§ 52.34 SPECIAL ARRANGEMENTS.**

No statements contained in this subchapter shall be construed as prohibiting any special agreement between the city and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by

reason of the admission of the wastes and no extra costs are incurred by the city without recompense by the person.

(Ord. 102A, passed 1-5-98)

### **§ 52.35 WASTEWATER SERVICE CHARGES.**

(A) It shall be the policy of the city to obtain sufficient revenues to pay the costs of the operation, maintenance and debt of the sewerage facilities, including a replacement fund (for example, a cash account 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 the facilities were designed and constructed), through sewer service charges as defined in this section. The system shall assure that each user of the sewerage system pays their proportionate share of the cost of such facilities. Users will be notified annually of the proportions of user charges attributable to the wastewater treatment services. No user shall pay any less than the rate established for normal domestic sewage.

(B) There is levied and assessed upon each lot or parcel of land with a building having a lateral available to discharge normal sewage to the public sewer system a wastewater service charge and a capital recovery charge based upon rates established by the Council. The charges shall be assessed and collected quarterly. If commercial or industrial customers obtain all or any part of their water from sources other than the public water utility, all or any part of which is discharged into the public sewers, the customer shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources. Should the city determine that the water usage is too small to justify a meter, the city shall have the authority to waive this requirement and a flat rate shall be charged based on estimated water usage and the metered rate schedule. The water meters shall be furnished by the city and installed by the customer. All other costs in connection with the water meter installation shall be at the expense of the customer. The city shall charge for each meter the minimum

service charge set for that size meter to compensate for furnishing, reading, and servicing the meter. This charge shall be in addition to the wastewater charge.

(C) The rates will be adjusted to accommodate for summer sprinkling for the months of June, July, and August. The bills will be based on the average of the other months of the year's consumption or upon the actual consumption, whichever is lower.

(D) If residential customers obtain all or part of their water from sources other than the public water utility, all or any part of which is discharged into the public sewers, a flat rate charge shall be paid for the wastewater service. Should the city determine the minimum flat rate charge is less than the charge would be on a metered basis, the city shall have the authority to set a higher rate based on the estimated total usage and the metered rate schedule. Should the residential customer request it, a water meter shall be installed and the customer shall be charged on the same basis as commercial or industrial customers having private water supplies.

(E) The rates set forth in this section shall take effect upon the issuance of a connection permit and discontinued upon disconnection except for the standby charge. If the building which the sanitary sewer, the standby charge will be applied until such time the city issues a certificate of occupancy.

(F) The user charge system shall take precedence over any preexisting agreements inconsistent with the governing regulations of this program.

(G) The rates in this section shall be reviewed as part of the annual budget process. Rates shall be adjusted to provide adequate revenue to cover all costs and to reflect the actual number of users and flow and loadings treated by the POTW. The budget shall include at a minimum the following items:

(1) Current budget, including cost overruns and surplus;

(2) Operation and maintenance costs;

(3) Replacement fund requirements;

(4) Administrative and billing costs;

(5) Sampling costs;

(6) NR 101 and other regulatory fees;

(7) Debt costs and coverage;

(H) All user charge funds shall be placed in a separate sewer account which will be separate and distinct from the general fund. These funds may only be used to cover costs of the sewage treatment works. The replacement fund shall be deposited in a segregated fund that cannot be used for any other purpose than the replacement of mechanical equipment.

(I) The user charge volume rate shall be computed by using the billable flow, pounds of BOD, SS, P and NH3 that are treated at the POTW. The past years' records shall be used in addition to projected increases for billable flow and loadings. The operation, maintenance, and capital budget line item costs shall be allocated to the parameters for which the POTW was designed to treat in accordance with the requirements of its WPDES permit. The annual costs allocated to each parameter shall be divided by the pounds of BOD, SS, P or NH3 to derive a rate per pound. The rates per pound then must be converted to a rate per cubic feet using the normal domestic definition of strength follows.

(J) The customer costs shall be divided by the number of customer hookups. This charge shall consist of all administrative costs, meter reading, billing, legal and accounting services, infiltration/inflow costs, and maintenance of the collection system which are not specific to an individual user.

(K) Any user which discharges wastewater which contains waste strength higher than the normal domestic strength waste shall be surcharged for the additional loading over and above the normal domestic definition as identified in this subchapter.

(L) The rates shall be stated in the Appendix. The rates may be amended from time to time so that adequate revenue is generated to pay all costs of operating the POTW and collection system.

(Ord. 102A, passed 1-5-98; Am. Ord. 102B, passed 9-4-03)

#### **§ 52.36 PAYMENT OF CHARGES.**

(A) The sewerage service charge shall be for the corresponding period of the water bills and shall be payable to the city not later than 20 days after the end of each period. A penalty of 1.5% per month shall be added to all bills not paid by the date fixed for final payment.

(B) All sewage charges shall be a lien upon the property serviced pursuant to Wis. Stats. § 66.0821(4)(d) and shall be collected in the manner therein provided.

(Ord. 102A, passed 1-5-98)

#### **§ 52.37 DAMAGES.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment which is a part of the sewerage system.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

#### **§ 52.38 NOTICE OF VIOLATION.**

Any person connected to the sewerage system found to be violating 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 violating a provision of this subchapter or of any conditions of city approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval. (Ord. 102A, passed 1-5-98)

#### **§ 52.39 ACCIDENTAL DISCHARGE; REPORTING.**

(A) Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which causes damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the Approving Authority.

(B) Any person responsible for an accidental discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the city.

(Ord. 102A, passed 1-5-98) Penalty, see § 52.99

#### **§ 52.40 LIABILITY FOR LOSSES.**

Any person violating any provision of this subchapter shall become liable to the city for any expense, loss or damage occasioned by reason of the violation which the city may suffer as a result thereof. (Ord. 102A, passed 1-5-98)

#### **§ 52.41 INJUNCTIVE RELIEF.**

In addition to all other remedies, the city shall have the authority to seek injunctive relief against anyone violating any of the provisions of this subchapter, and it shall have the authority to revoke the wastewater discharge permit and require the violator to disconnect from the sewage system for

failure to comply with any provisions of this subchapter.

(Ord. 102A, passed 1-5-98)

continues or occurs shall constitute a separate offense. This section shall not preclude any appropriate action to prevent or remove a violation of these sections.

#### **§ 52.42 RIGHT OF APPEAL.**

Any industry or other discharger or any interested party shall have the right to request, in writing, an interpretation or filing from the Approving Authority on any matter covered by this subchapter and shall be entitled to a prompt written reply. In the event that such inquiry is by an industry and deals with matters of performance or compliance with this subchapter, or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of an industry's request shall stay all enforcement proceedings, pending receipt of aforesaid written reply.

(Ord. 102A, passed 1-5-98)

#### **§ 52.43 RECORDS RETENTION.**

All industrial users subject to this subchapter shall

retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling, and chemical analyses made by or in behalf of an industry in connection with its discharge. All records which pertain to matters which are the subject to administrative adjustment of any other enforcement or litigation activities brought by the Approving Authority pursuant hereto shall be retained and preserved by the industry until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. 102A, passed 1-5-98)

#### **§ 52.99 PENALTY.**

Whoever violates any provision of this chapter for which no specific penalty is set forth shall be punished as set forth in § 10.99. Each day a violation



**APPENDIX: USER CHARGES**

- (A) *Service charge.* Each customer will be charged a service charge of \$47 per quarter.
- (B) *Unit charge.* The unit charge for operation, maintenance, and replacement shall be as follows:
- (1) The unit charge for metered users shall be \$8.20 per 100 cubic feet.
  - (2) The unit charge for non-metered residential users shall be \$90.28 per quarter.
  - (3) The unit charge for non-metered non-residential users shall be \$109.98 per quarter.
- (C) *Toxics.* The unit charge for toxics shall be: \$22.58 per quarter per toxic assigned to be monitored by the city.
- (D) *Wastewater monitoring.* The unit charge for wastewater monitoring shall be: \$22.58 per sample/analysis series.
- (E) *Handling/collection.* The handling and collection unit charges shall be:
- Residential user    \$1.50 per quarter;
- Commercial user    \$1.50 per quarter;
- Industrial user      \$1.50 per quarter.
- (F) *Capital recovery charge.* Each customer will be charged a capital recovery charge of \$99 per quarter. (Ord. 102A, passed 1-5-98; Am. Ord. 102B, passed 9-4-03; Am. Ord. 102C, passed 11-17-03; Am. Ord. 102D, passed 7-7-08)