

## TITLE VI

### Chapter 23

#### SEWER USE

|       |                                   |       |                              |
|-------|-----------------------------------|-------|------------------------------|
| 23.01 | Definitions                       | 23.06 | Control of Industrial Wastes |
| 23.02 | Management, Operation and Control | 23.07 | Payment of Charges           |
| 23.03 | User Rules and Regulations        | 23.08 | Audit                        |
| 23.04 | Use of the Public Sewers          | 23.09 | Violations and Penalties     |
| 23.05 | Sewer Use Charge System           |       |                              |

#### 23.01 DEFINITIONS

- (1) BIOCHEMICAL OXYGEN DEMAND (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees (20°) centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in “Standard Methods”.
- (2) BUILDING DRAIN shall mean 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.
- (3) BUILDING SEWER shall mean the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.
- (4) CHLORINE REQUIREMENT shall mean the amount of chlorine in milligrams per liter, which must be added to sewage to produce specified residual chlorine content in accordance with procedures set forth in “Standard Methods”.
- (5) COMPATIBLE POLLUTANTS shall mean biochemical oxygen demand, suspended solids, phosphorus, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.
- (6) FLOATABLE OIL is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.
- (7) GARBAGE shall mean the residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.
- (8) GROUND GARBAGE shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing to public sewers with no particle greater than one-half inch (½”) in any dimension.

- (9) INCOMPATIBLE POLLUTANTS shall mean wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.
- (10) INDUSTRIAL WASTE shall mean the wastewater from industrial process, trade or business as distinct from sanitary sewer, including cooling water and the discharge from sewage pre-treatment facilities
- (11) LATERALS means service pipes connecting the main line with individual structures.
- (12) NATURAL OUTLET shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground waters.
- (13) PARTS PER MILLION shall be 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.
- (14) PERSON shall mean any and all persons, including any individual, firm, company, municipal or Private Corporation, association, society, institution, enterprise, government agency or other entity.
- (15) PH shall mean the logarithm of the reciprocal of the 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 seven (7) and a hydrogen ion concentration of ten (10) exp (-7).
- (16) PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the City of Blair. It shall also include sewers within or outside the corporate boundaries that serve one or more persons and ultimately discharge into the city sanitary sewer system, even though those sewers may not have been constructed with City funds.
- (17) SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharge from toilets and / or sanitary plumbing facilities, together with such ground, surface and storm waters as may be present.
- (18) SANITARY SEWER shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- (19) SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
- (20) SHOCK shall mean any discharge of water or wastewater which is in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and adversely affects the system, and / or performance of the wastewater treatment works.

- (21) STANDARD METHODS shall mean 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.
- (22) STORM DRAIN (sometimes termed “storm sewer”) shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.
- (23) STORMWATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.
- (24) SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for Examination of Water and Wastewater” and is referred to as non-filterable residue.
- (25) UNPOLLUTED WATER is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (26) WASTEWATER shall mean the spent water 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 be present. The definition includes the term “sewage”.
- (27) WASTEWATER FACILITIES shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.
- (28) WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (29) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT is a document issued by the Wisconsin State Department of Natural Resources, which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

23.02

MANAGEMENT, OPERATION AND CONTROL

- (1) MANAGEMENT. The management, operation and control of the wastewater facility (facility) are vested in the City Council (Council) of the City of Blair (City). All records, minutes and written proceedings shall be kept by the City Clerk.
- (2) CONSTRUCTION. The City shall have the power to construct sewer lines upon its land and those lands subject to easements in favor of the City. Further, the Council shall have the authority to do any work as may be necessary or convenient for the management of the facility, including examination, inspection and supervision of

equipment, facilities, employees and independent contractors. The Council shall have the further authority to purchase and acquire real and personal property consistent with the City Code of Ordinances and Wisconsin Law.

(3) MAINTENANCE OF SERVICES

(A) The Facility shall maintain sewer service within the limits of the City of Blair on only the Main, including all controls related to the Main, without expense to the property owner, except when damaged as the result of the negligence or carelessness on the part of the property owner, tenant or agent of the owner. Maintenance of the sewer service from the Main to and throughout the premises will be at the expense of the property owner.

(B) All sewer services from the point of maintenance by the facility to and throughout the premises must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property.

(C) When any sewer service is to be re-laid 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.

(4) CONDEMNATION OF REAL ESTATE. The City shall comply with applicable Wisconsin Law and, if required, the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if it is necessary to condemn real estate for maintenance or expansion of the facility.

(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 said sewer system, and all buildings, machinery and fixtures pertaining thereto shall be the property of the City.

23.03

USER RULES AND REGULATIONS

(1) GENERAL. The rules, regulations and rates of the facility and its operations shall be binding upon all users of said facility. Violations shall be subject to Section 23.09 of this Ordinance. The rules, regulations and rates may, from time to time, be altered or amended pursuant to the City Code of Ordinances, and not inconsistent with Wisconsin Law.

(2) RULES AND REGULATIONS. The following rules and regulations are hereby adopted and established.

(A) 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 of Wisconsin.

(B) USERS:

1.) MANDATORY HOOK-UP. It shall be the policy of the Council to require connection to the sewer facility. Failure to do so may constitute a health hazard contrary to minimum health standards.

- 2) COSTS OF INSTALLATION. The owner of each parcel of land directly adjacent to a sewer main on which there exists a building useable for human habitation shall connect to such system within one hundred twenty (120) days of notice in writing from the City. Upon failure to so do, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such bill shall be treated as a charge or assessment.
- 3) SPECIAL CHARGE OR ASSESSMENT. The property owner may, within thirty (30) days after the completion of the work, file a request to have the bill treated as a special charge or assessment, to be paid on an installment basis.
- 4) INSTALLMENT PAYMENT. The City may permit the installment payment, not to exceed five (5) equal installments with interest at the rate of six percent (6%) per annum. The installment payments are due on the same dates and in the same percentages as installments of real property taxes. Section 74.11(3) Wis. Stat. is hereby incorporated by reference.
- 5) SEPTIC TANKS PROHIBITED. The maintenance and use of septic tanks and other private sewer disposal systems within the City is hereby declared to be a public nuisance and a health hazard. Upon adoption of this Ordinance, the use of septic tanks or any private sewage disposal system within the area directly adjacent to an existing portion of the facility shall be prohibited.
- 6) APPLICATION FOR SERVICE. Application for connection to the facility shall be made in writing upon blanks furnished by the City Clerk. The application must fully state the use and purpose, which is to be allowed by any maintenance, expansion or extension of the facility. Such application must be submitted by the owner of the property in question.
- 7) Applications shall be granted subject to the conditions being met by the applicant, as reasonably imposed by the Council.
- 8) The application may be for service to more than one (1) building or more than one (1) unit of service through one (1) service connection; and in such case, charges shall be made accordingly.
- 9) CONNECTION CHARGE. Persons attaching to a main of the facility shall pay a connection charge equal to the actual costs but not less than two hundred dollars (\$200.00) or in an amount otherwise set by Resolution of the City Council. In addition, laterals installed from the main to the structure shall be the responsibility of the owner.
- 10) TAP PERMITS. After sewer connections have been introduced into any building or upon any premises, no plumber, or any other person,

shall make any alterations, extensions or attachments, unless the party ordering such tapping or other work shall exhibit the proper permit for the same from the City.

- 11) 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 unnecessary overburdening of the sewer system. No excavation shall be permitted to facilitate such repair without the supervision of a licensed plumber. No excavation shall be permitted on Saturdays, Sundays and holidays.
  - 12) LIMITED USE. No user shall allow others or other services to connect to the sewer system through his lateral.
  - 13) VACATING OF PERMISES. Notice shall be given to the City if any premises serviced by the facility are to be vacated. The City is not responsible for damages resulting from abandonment of any premises so serviced.
  - 14) 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 Ordinance and applicable Wisconsin Law.
  - 15) RESPONSIBILITY. The City shall not be responsible for any damages resulting from events or occurrences happening outside its control, provided that it has acted in a responsible and prudent manner in the operation and management of the facility.
  - 16) REPAIRS AND ALTERATIONS. Any repairs, alterations or improvements shall be conducted as expeditiously as possible with notice given of any shut off or modification of service.
- (C) EXCAVATIONS. In making necessary excavations for construction, repair, maintenance or other suitable purposes, the City, its employees or agents, shall use due care so as to protect the public and restore the land to the condition prior to such excavation. No excavation shall be permitted on Saturdays, Sundays and holidays.
- (D) TAPPING THE MAINS:
- 1.) No person, except those having special permission from the City, or persons in its service and approved by the City Council, 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 such as specified in the permits or order from the City to insure that new sewers and connections to the sewer system are properly designed and constructed.

- 2.) Pipes should always be tapped on the top and not within six inches (6"—15 cm) of the joint, or within 24 inches (24"—60 cm) of another lateral connection.

(E) INSTALLATION OF HOUSE LATERALS.

- 1.) All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administration Code Chapter H-62 "Design, Construction, Installation, Supervision and Inspection of Plumbing", specifically, Section H-62.04(4) "Building Sewers".
- 2.) Per Section H-62.04(5), all laterals will 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".

(F) EXTENSIONS. The City shall extend mains to prospective users in accordance with the following charges and conditions:

- 1.) When an extension of a sewer main is requested by a prospective user, the application shall be submitted in writing to the Council by filing said application with the City Clerk. In acting upon such application, the Council shall determine the extent and location of the proposed extension, taking into consideration potential future expansion and orderly land use development, not inconsistent with State Law.
- 2.) The user who requests the extension shall pay the entire cost of same, including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be pro-rated among such users.
- 3.) In addition to the charges for the extension of the main, the user or users are responsible for the connection charge and laterals as provided herein.

(3) EXCEPTIONS

- (A) Notwithstanding anything in this Chapter to the contrary, the City Council for the City of Blair shall have the right to make exceptions to the requirements contained in this Chapter.
- (B) Properties which are not directly served by City sewer main to the property boundary shall be allowed to install and use approved private septic systems. However, such use shall be by permit which application fee shall be set by resolution of the City Council. Any such system must meet all other applicable statutes, codes, and rules. In the event that a property utilizing a private septic system under this section is later served by City sewer main to the property boundary, than the landowner must hook up to the City sewer main and properly abandon the private septic at the time that

said septic system either needs to be replaced or has failed beyond normal and routine maintenance and repairs.

23.04

USE OF THE PUBLIC SEWERS

- (1) PROHIBITIONS AGAINST DISCHARGE. No person shall discharge, or cause to be discharged, any of the following described liquids or solid wastes to any sanitary sewer:
  - (A) Any storm water, surface water, ground water, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer.
  - (B) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances, which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property or the operation of the facility.
  - (C) Any waters or waste containing toxic or poisonous substance in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the facility, or interfere with the disposal of sludge.
  - (D) Any waters or wastes having a PH lower than six (6) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the facility.
  - (E) Any waters or wastes having a PH in excess of nine (9).
  - (F) Solid or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the facility such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing's, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (G) Any discharge into the facility that is in violation of the requirements of the WPDES Permit and the modifications thereof.
  - (H) Wastewater having a temperature higher than one hundred fifty degrees (150°) Fahrenheit.
  - (I) Any water or wastes which may contain more than one hundred (100) parts per million by weight of oils, fat or grease.
  - (J) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.



- (K) Any waters or waste containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the facility exceeds the limits established by the City for such materials.
  - (L) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the City.
  - (M) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.
  - (N) Quantities of flow, concentrations, or both, which constitute a “shock” as defined herein.
  - (O) Incompatible pollutants containing substances, which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - (P) Any water or wastes, which by interaction with other water or wastes in the facility, release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.
  - (Q) Materials which exert or cause:
    - 1.) Unusual BOD, chemical oxygen demand or chlorine requirements such as, but not limited to, when in such quantities as to constitute a significant load on the facility.
    - 2.) Unusual volume of flow or concentration of wastes constituting “shocks” as defined herein.
    - 3.) Unusual concentration of inert suspended solids (such as, but not limited to, fuller’s earth, lime, slurries and lime residues) or of dissolved solids (such as, but not limited to sodium sulfate).
    - 4.) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (2) SEPTIC TANK AND HOLDING TANK DISPOSAL. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the City.
- (3) SPECIAL AGREEMENTS
- (A) No statement contained in this article shall be construed as prohibiting any special agreement between the approved authority and any person, whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pre-treatment, provided

there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth herein are complied with.

- (B) The agreement with Associated Milk Producers, Inc. (AMPI), dated February 23, 1983, is hereby incorporated by reference.

23.05 SEWER USE CHARGE SYSTEM

- (1) DEFINITIONS. The following terms shall have the following meanings under this Ordinance:
  - (A) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD<sub>5</sub> and suspended solids no greater than two hundred fifty (250) and three hundred (300) milligrams per liter (mg/l) respectively.
  - (B) REPLACEMENT COSTS shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required maintaining capacity and performance during the design life of the facility.
  - (C) OPERATION AND MAINENANCE COSTS shall include all costs associated with the operation and maintenance of the facility. These costs, including costs associated with extraneous (clear water) flows, shall be divided proportionately among the various sewer users according to their equivalent user factors.
  - (D) DEBT SERVICE COSTS shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the facility. These costs, including costs associated with extraneous (clear water) flows, shall be divided evenly among all sewer users.
  - (E) NORMAL USER shall be a user whose contributions to the facility consist only of normal domestic-strength waste originating from a house, apartment, flat or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
  - (F) USER CHARGE is a charge levied on users of the facility as a part of the sewer service charge for payment of operation and maintenance costs of said facility.
- (2) POLICY. It shall be the policy of the City to obtain sufficient revenues to pay the costs of (a) the annual debt retirement payment on any bonded indebtedness, (b) any required cash reserve account payment, and (c) operation and maintenance of the facility, including a replacement fund (i.e. 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 facility during the service life for which the facility was designed and constructed), through a system of user charges as defined in this Section. The system shall assure that each user of the facility pays a proportionate share of the cost of such facility.

(3) BASIS FOR USER CHARGE

- (A) The minimum quarterly billing shall be sufficient to pay the annual debt retirement. A portion of the debt service may be budgeted by levying an Advalorem Tax in accordance with Wisconsin Statutes.
- (B) The unit price per volume shall be sufficient to pay the annual cost of operation and maintenance, including any replacement fund or the sewage works.
- (C) The methodology of determining the user charges is given in the user charge system. The utility shall provide the initial estimates of the number of users, costs, etc., to calculate the first year's user charges.
- (D) The user charges, and this ordinance, shall be reviewed annually and shall be performed by the Council. User charges shall be adjusted as required to reflect actual number and size of users and actual costs.
- (E) Users will be notified annually of the portion of user charges attributable to operation and maintenance.

(4) SEWER CHARGES. A sewer service and user charge will hereby be 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 facility. Such sewer service charge shall be payable as hereinafter provided and, in an amount, determinable as follows:

- (A) CATEGORY A is defined as normal or domestic strength wastewater having organic concentrations of Biochemical Oxygen Demand (BOD) no greater than two hundred fifty (250) milligrams per liter (mg/l) and Suspended Solids (SS) no greater than three hundred (300) milligrams per liter (mg/l). The sewer service charge for Category A wastewater is subject to periodic change and is part of the sewer use charge / user charge system. A copy of the current schedule is available at the Clerk's Office and is subject to review and modification as set forth in this code.
- (B) CATEGORY B is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD) greater than two hundred fifty (250) milligrams per liter (mg/l) and / or Suspended Solids (SS) no greater than three hundred (300) milligrams per liter (mg/l). The minimum Category B charge will be based on a concentration of two hundred fifty (250) milligrams per liter (mg/l) BOD and three hundred (300) milligrams per liter (mg/l) SS.
- (C) THE AGREEMENT. with AMPI, dated February 23, 1983, is hereby incorporated by reference and made a part of hereof.
- (D) REASSIGNMENT OF SEWER USERS. The City will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

- (1) INDUSTRIAL DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section IV and which in the judgment of the City may have deleterious effects upon the wastewater treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the City may:
  - (A) Reject the wastes.
  - (B) Require pre-treatment to an acceptable condition for discharge to the public sewers.
  - (C) Require a control over the quantities and rates of discharge.
  - (D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section IV(c).
- (2) AMPI AGREEMENT. The foregoing is subject to and not inconsistent with the agreement with Associated Milk Producers, Inc. (AMPI), dated February 23, 1983, and hereby incorporated by reference.
- (3) WHITEHALL AGREEMENT. Further, the foregoing is subject to and not inconsistent with the agreement with the City of Whitehall, dated January 26, 1983, hereby incorporated by reference.
- (4) 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 of his wastes, 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 waste at his expense, and shall be maintained by him 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 construction.
- (5) MEASUREMENT OF FLOW. The volume of flow used for computing the sewer service and the cost recovery charges shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the facility.
- (6) 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 ten percent (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 made a matter of agreement between the City and the person.

- (7) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the City 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. Following approval and installation, such meters may not be removed without the consent of the City.
- (8) WASTE SAMPLING.
  - (A) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the industry as often as may be deemed necessary by the City.
  - (D) 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.
  - (E) Testing facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the City. Access to sampling locations shall be granted to the City or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to insure their preservation in a state comparable to that at the time the sample is taken.
- (9) PRE-TREATMENT. Where required, in the opinion of the City, to modify or eliminate wastes those are harmful to the structures, processes or operation of the facility, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be required to render his wastes acceptable for admission to the facility.
- (10) GREASE AND / OR SAND INTERCEPTORS:
  - (A) Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients.
  - (B) All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the City. Any removal and hauling of the collected materials not performed by the owner(s) must be performed by licensed waste disposal firms.
- (11) ANALYSES:

- (A) All measurements, tests and analyses of the characteristics of water wastes, to which reference is made in this Ordinance, shall be determined in accordance with the latest addition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association and “Guidelines Establishing Test Procedures for Analysis of Pollutants”, (1978, 40 CFR 136).
  - (B) Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the City.
  - (C) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them or his agent as designated and required by the City.
  - (D) The City may also make its own analyses on the wastes and these determinations shall be used as a basis for charges.
  - (E) 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 acceptable to both the City and person discharging the waste.
  - (F) All cost incurred by the independent laboratory in making the determination shall be assumed by the discharge.
- (12) SUBMISSION OF INFORMATION: Plans, specifications and any other pertinent information relating to proposed flow equalization, pre-treatment or processing facilities shall be submitted for review of the City prior to the start of their construction if the effluent is to be discharged into the facility.
- (13) SUBMISSION OF BASIC DATA:
- (A) Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file a report with the City that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the wastewater works.
  - (B) This provision is subject to the aforesaid agreement with AMPI and the City of Whitehall.
  - (C) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file a report with the City that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.
- (14) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed herein, a request for extension of the time may be provided for consideration by the City.

- (1) PAYMENT. The sewage service charge shall be for the corresponding period of the water bills and shall be payable to the City Treasurer. The agreement with AMPI as it relates to payment of charges is hereby incorporated by reference.
- (2) CHARGES A LIEN. All sewage charges shall be a lien upon the property served pursuant to Section 66.076(7), Wis. Stat. and shall be collected in the manner therein provided.
- (3) DISPOSITION OF REVENUE:
  - (A) The amounts received from the collection of charges authorized by this ordinance shall be credited to a sanitary sewage account, which shall show all receipts and expenditures of the facility.
  - (B) When appropriated by the Council, the credits to said account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the facility consistent with 40CFR 35.929.
  - (C) Any surplus outside the preview of 40 CFR35.929, in said account 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 facility or part thereof, and all or apart of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the Council may, by resolution, pledge such surplus or any part thereof for any such purpose.
  - (D) All present outstanding facility general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
- (4) ADDITIONAL CHARGES. Additional charges shall be imposed upon each lot, parcel of land, building or premises served by the facility located outside the boundaries of the City to equalize local capital costs. Such additional charges shall result in a medium charge equal to the debt charge for each user according to the schedule for debt repayment from utility revenues. Such additional charges shall be added to the sewer bill for each billing period.
- (5) EXCESS REVENUES. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

23.08 AUDIT

The City shall conduct an Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the user charge system and to insure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.

23.09 VIOLATIONS AND PENALTIES

- (1) WRITTEN NOTICE OF VIOLATION. Any person found to be violating a provision of this Ordinance 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.

- (2) DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the facility, which causes damage to said facility and/or receiving body of water shall be liable for said damages. The person shall reimburse the City for said damages and in addition, pay forfeiture not to exceed one thousand dollars (\$1,000.00). The person shall also be liable for the cost of any action by the City to recover its damages and/or the forfeiture.
- (3) CONTINUED VIOLATIONS. Any person who shall continue any violation upon the aforesaid notice time limit shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00), nor more than two hundred fifty dollars (\$250.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, the person convicted may be subject to imprisonment in the county jail upon the order of the Circuit Court judge for Trempealeau County. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (4) LIABILITY TO CITY FOR LOSSES. Any person violating any provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned by reason of such violation, which the City may suffer as a result thereof.
- (5) DAMAGE RECOVERY. The City shall have the right of recovery from all persons, any expense incurred by the facility for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control or by any negligent acts.
- (6) PENALTIES. Any person who shall violate any of the provisions of this Ordinance or accompanying rules or regulations, or who shall connect a service pipe without first having obtained a permit therefore, or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials, which are incorporated by reference, upon conviction thereof, shall forfeit not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) and the costs of prosecution. The forfeiture and costs would be in addition to other charges enumerated throughout this ordinance.

August 3, 2009 – repeal and recreate Section 23.03 subsection (2)b) and (c)

July 6, 2015 – repeal and recreate subsection (a) of Section 23.02(3)

September 13, 2021 – created Section 23.03(3)

August 7, 2023 – amended Section 23.03(2)(b)(9)