

ORDINANCE # 13

AN ORDINANCE AMENDING THE ORIGINAL ORDINANCE ESTABLISHING RATES AND CHARGES FOR SERVICES OF THE MUNICIPAL SEWERAGE SYSTEM IN THE CITY OF FOUNTAIN CITY.

The Common Council of the City of Fountain City, Wisconsin do ordain as follows:-

SECTION 1. From and after passage and publication and continuing until otherwise provided by ordinance amendatory hereof or supplemental hereto, there shall be and are hereby imposed and established sewerage service charges, at the rates hereinafter set forth, for the services and facilities furnished by the municipal sewerage system and for the availability thereof, to provide moneys for the improvement, extension, operation, maintenance, repair and depreciation of said system.

SECTION 2. The purpose of this ordinance is to amend the original Ordinance Establishing Rates and Charges For Services Of The Municipal Sewerage System in the City of Fountain City, which was passed, approved and adopted on December 7, 1955, by increasing the unit rates for such services.

SECTION 3. That the schedule of rates set forth in Section 2 of the aforesaid original ordinance adopted on December 7, 1955 be and is hereby repealed in its entirety, and in place thereof the new schedule of rates set forth herein detail be and is hereby adopted, effective from January 1, 1960.

SECTION 4. The owner or occupant of each of the premises within the City, connected with the municipal sewerage system, or which has the municipal sewerage system available for connection, shall pay for the use or availability, or both, of the municipal sewerage system, the following new rates, to-wit:-

- a. Residences, single family \$24.00 per year with \$18.00 additional for each additional family unit service from said residence.
- b. All taverns \$84.00 per year.
- c. All garage \$24.00 per year with an additional charge of \$12.00 per year if cars are washed.
- d. Combined hotel and tavern \$108.00 per year.
- e. Combined restaurant and hotel \$108.00 per year.

- f. Churches \$24.00 per year.
- g. Schools \$84.00 per year.
- h. Filling stations \$24.00 per year plus \$12.00 extra if cars are washed.
- i. Stores \$24.00 per year.
- j. Offices \$24.00 per year.
- k. Slaughter houses \$120.00 per year.
- l. Locker Plant \$48.00 per year.
- m. Barber Shop \$24.00 per year.
- n. Root beer and ice cream stands \$24.00 per year.
- o. Creameries \$240.00 per year.
- p. Fountain City Brewing Co. \$100.00 per year.
- q. Motels \$24.00 per year for first unit with \$8.00 per year for each additional unit.
- r. Where a family resides over an office, factory or shop as a family unit \$24.00 per year for such family unit, and \$18.00 for each additional family unit.
- s. Any classification not hereinbefore covered, may be specifically rated upon application to the City Council or by action of the City Council on its own action, but at not less than \$24.00 per year.
- t. The City of Fountain City for the cost and value of any services rendered to the City of Fountain City by said sewerage system by the furnishing of sewerage for public buildings and other public uses the sum of \$5,000.00 per year.

SECTION 5. That all the other provisions of said original ordinance shall remain in full force and effect, as originally written and adopted, and shall be considered to be a part of this ordinance, in connection with the amended portion, the same as though fully re-stated and re-printed herein in detail.

SECTION 6. That for the purpose of invoking the new schedule of rates this ordinance and all of its provisions herein contained shall take effect and be in force from and after January 1, 1960.

Passed, approved and adopted this twenty-second day of December, A.D., 1959.

W.F BOHRI

MAYOR

ATTEST:

L.E. HAEUSER, CITY CLERK

ORDINANCE # 13A

AN ORDINANCE ESTABLISHING RATES AND CHARGES FOR SERVICES OF THE MUNICIPAL SEWAGE SYSTEM IN THE CITY OF FOUNTAIN CITY, WISCONSIN

SECTION 1. All previous ordinances dealing with establishing rates and charges for services of the municipal sewerage system in the City of Fountain City, Wisconsin, are hereby repealed. Specific reference is made to ordinance number 4, dated 11/1/55, and ordinance number 13, dated 12/22/59; these ordinances are specifically repealed, as well as any subsequent ordinances or resolutions that dealt with establish rates and charges for services of the municipal sewerage system in the City of Fountain City, Wisconsin.

SECTION 2. From and after passage and publication and continuing until otherwise provided by ordinance amendatory hereto or supplemental hereto, there shall be and are hereby imposed and established sewerage service charges, at the rate hereinafter set forth, for the services and facilities furnished by the municipal sewerage system and for the availability thereof, to provide moneys for the improvement, extension, operation, maintenance, repair and depreciation of said system.

SECTION 3. The owner or occupant of each of the premises within the City, connected with the municipal sewerage system, or which has the municipal sewerage system available for connection, shall pay for the use or availability, or both, of the municipal sewerage system, the following new rates, to-wit:

- a. All single family residences are \$128.00 per year.
- b. All multiple family residences are \$128.00 per year for each separate family unit service from the same residence.
- c. All residential rental units are \$128.00 per year for each rental unit.
- d. Meat market is \$180.80 per year.
- e. Residence above meat market is \$128.00 per year.
- f. All restaurants are \$1,025.60 per year.
- g. All trailer courts and parks are \$128.00 per year for each unit allowed, whether or not spaces are actually filled.
- h. All taverns are \$180.80 per year.

- i. All garages are \$128.00 per year with an additional charge of \$48.80 per year, if cars are washed.
- j. All churches are \$233.60 per year.
- k. All filling stations are \$128.00 per year with an additional charge of \$48.80 per year, if cars are washed.
- l. All stores are \$128.00 per year.
- m. All offices are \$128.00 per year.
- n. All barber shops or beauty shops are \$128.00 per year.
- o. All motels are \$286.40 per year.
- p. Where a family resides over an office, factory, shop or store, the charge shall be \$128.00 per year for each such family unit.
- q. Any classification not hereinbefore covered, may be specifically rated upon application to the City Council or by action of the City Council on its own motion, but no such rate shall be less than \$128.00 per year for any unit.
- r. The rates listed herein shall be due and payable on a quarterly basis regardless of whether or not the municipal sewerage system has been used by a unit during the time period which is being billed.

SECTION 4. The use of the word "family" in the above rate provision shall be taken to mean any number of individuals customarily living together as a single household unit or complete domestic establishment.

SECTION 5. The city officer in charge of the collection of said sewerage charges and the keeping of the books in connection with the operation of said plant shall make such collection and keep such book in accordance with the rates and separation of funds as provided for in this ordinance.

SECTION 6. The owners of all real estate shall be liable for all sewerage service charges incurred by occupants of the premises so owned by said owners.

SECTION 7. All sewerage charges shall be payable quarterly one-fourth of the annual payment to the City Treasurer at the end of each quarter and, if not paid within thirty (30) days after billing, a surcharge of 4½% of the amount of the bill shall be added to the bill.

SECTION 8. The City Clerk shall certify annually to the City Treasurer all delinquent sewerage charges and the property to which charged and the same shall be placed upon the tax roll for collection, or the City may at its option, proceed to collect any delinquent charges as an action of debt at any time any person shall be delinquent.

SECTION 9. The rates and provisions listed in this ordinance shall be effective as of January 1, 1993.

This ordinance shall be in force and effect upon its passage, posting and/or publication as required by law.

Dated this 5th day of January, 1993.

Carl Brommerich_____

MAYOR

Barb Schmidtknecht_____

CLERK-TREASURER

This Ordinance was unanimously passed and adopted at a regular meeting of the Common Council of the City of Fountain City, Wisconsin, on January 5, 1993.

Published on January 14, 1993.

ORDINANCE # 13B

SEWER USE AND USER CHARGE ORDINANCE

An Ordinance establishing a sewer use and user charge system in the Fountain City, County of Buffalo, State of Wisconsin, to provide procedures, safeguards and funds to construct, operate and maintain and meet WPDES permit limits at the Fountain City wastewater treatment facilities; and

Whereas, the City of Fountain City, Wisconsin, owns and operates a wastewater treatment works; and

Whereas, the City must pay all the operation and maintenance expenses associated with said treatment works and charge the users of said treatment works accordingly; and

Whereas, the City, by accepting wastewater and septage assumes all risk for treatment and meeting their WPDES permit but reserves the right to immediately discontinue acceptance of wastewater or septage for operational and permit reasons; and

Now, therefore, be it ordained by the City Council of the City of Fountain City, that the following sewer use and user charge system be established:

ARTICLE I

INTRODUCTION AND GENERAL PROVISIONS

This Ordinance 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 with the City of Fountain 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 of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the City of Fountain City sewerage system.

This Ordinance 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. Revenue derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debit service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

ARTICLE II

DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- 1) APPROVING AUTHORITY shall mean the City Council of the City of Fountain City, or its duly authorized committee, agent or representative.
- 2) AMMONIA NITROGEN (NH_3 -N) shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH_3 or in ionized form as NH_4 . Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set for in the most recent edition of "Standard Methods."
- 3) 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 Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."
- 4) BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning approximately five feet outside the inner face of the building wall.
- 5) BUILDING SEWER shall mean the extension from the building drain to the public area, also referred to as the lateral. Except as specifically provided in this Ordinance, the City shall not be responsible for the construction and maintenance of building sewers or laterals.

6) CHEMICAL ELEMENTS & COMPOUNDS that are typically found in wastewater and may be regulated by this ordinance.

Ammonia Nitrogen	NH ₃
Arsenic	As
Cadmium	Cd
Copper	Cu
Chromium	Cr
Cyanide	Cn
Lead	Pb
Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Radium	Ra
Zinc	Zn

7) COMMERCIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.

8) COMPATIBLE POLLUTANTS shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, of PH, plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.

9) EASEMENT shall mean an acquired legal right for the specific use of land owned by others.

10) FLOATABLE OIL shall mean oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment systems.

11) 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.

12) GRAND GARBAGE shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates will be no great than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

13) HOLDING TANK SERVICE AREA shall mean the area outside the City's sewer service area, but inside or equal to the City's planning area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.

14) INCOMPATIBLE POLLUTANTS OR WASTEWATER shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.

15) INDUSTRIAL USER shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

16) INDUSTRIAL WASTE shall mean the wastewater from an industrial process, trade, or business as distinct from sanitary sewage, including cooling water and the discharge from pretreatment facilities.

17) LICENSED DISPOSER shall mean a person or business holding a valid license to do septage servicing under NR 113.

18) MAY is permissible.

19) MILLGRAMS PER LITER (mg/L) shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

20) MUNICIPAL WASTEWATER shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institution, together with any groundwater, surface water and storm water that may have inadvertently entered the sewer system.

21) NATURAL OUTLET shall mean any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.

22) NORMAL DOMESTIC SEWAGE shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS, and total kjeldahl nitrogen concentrations meet the following:

- a) A five day, 20°C BOD of not more than 250 mg/L.
- b) A suspended solids content of not more than 250 mg/L.
- c) A total kjeldahl nitrogen content of not more than 26 mg/L.

23) PARTS PER MILLION (ppm) shall mean 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. Equivalent to milligrams per liter (mg/L).

24) PERSON shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.

25) 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 7 and a hydrogen ion concentration of 10^{-7} .

26) PRETREATMENT shall mean an arrangement of devices and structures, for the preliminary treatment of processing of wastewater required to render such wastes acceptable for admission to the public sewers.

27) PRIVATE SEWER shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewer.

28) PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the City of Fountain City. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewers shall not include private sewers or building sewers.

29) SANITARY SEWAGE shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

30) SANITARY SEWER shall mean a combination of 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.

31) SEPTAGE shall mean the wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

32) SEWAGE is the spent water of a community. The preferred term is "municipal wastewater."

33) SEWER SERVICE AREAS are the areas presently served and anticipated to be served by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan.

34) SEWER SERVICE CHARGE is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as the operation, maintenance costs, and replacement of said facilities.

35) SEWER SYSTEM means the common sanitary sewers within a sewerage system which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system", except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the City.

36) SEWERAGE SYSTEM means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.

37) "SHALL" is mandatory.

38) SLUG LOAD shall mean any substance released at a discharge rate and/or concentration which causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

39) 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.

40) STORM DRAIN (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

41) STORMWATER RUNOFF shall mean that portion of the rainfall that is collected and drained into the storm sewers.

42) SUSPENDED SOLIDS shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as non-filterable residue.

43) TOXIC DISCHARGES means a discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation or assimilation by an organism,

either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the City, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

44) USER CLASSES are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, etc. For the purposes of this ordinance, there shall be four user classes: residential, commercial, industrial and public authority.

45) WASTEWATER FACILITIES shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

46) WASTEWATER TREATMENT WORKS shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with sewage treatment facility.

47) WATERCOURSE shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

48) WPDES: Wisconsin Pollutant Discharge Elimination System permit issued per NR210.

ARTICLE III

MANAGEMENT, OPERATION, AND CONTROL

(A) **AUTHORITY.** The management, operation and control of the wastewater facilities of the City of Fountain City is vested in the City Council; all records, minutes and all written proceedings thereof shall be kept by the City Clerk; the City Clerk shall keep all the financial records.

(B) **CONSTRUCTION.** The City Council 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 wastewater facilities. The City Council shall have power by themselves, their officers, agents and representatives to enter all properties for the purpose of making examinations or conducting tests in the performance of their duties under this Ordinance, without liability therefore; and the City Council shall have power to purchase and acquire for the City any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.

(C) **MAINTENANCE OF SERVICES.** The property owner shall maintain the building sewer from the street line to the building 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 building sewers must be maintained free of defective conditions by and at the expense of the owner or occupant of the property. When any is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.

(D) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the City Council be necessary to the wastewater facilities, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the City Council shall proceed with all necessary steps to take such real estate, easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used for the project associated with the real estate or easement.

(E) **TITLE TO REAL ESTATE AND PERSONALITY.** All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, papers, books and records connected therewith said wastewater facilities, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the City of Fountain City.

ARTICLE IV

USER RULES AND REGULATIONS

(A) GENERAL

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

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 of Wisconsin and obtaining permission from the City Council. All service connections to the sewer main shall comply with State plumbing code.

(C) PRIVATE SYSTEMS PROHIBITED

(1) **SEPTIC TANKS 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 hereby declared to be a public nuisance and a health hazard. From and after June 30, 1993, the use of septic tanks, holding tanks or any other private sewage disposal system within the area of the City serviced by the sewer system shall be prohibited.

(2) MANDATORY HOOK-UP. The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 90 days of notice in writing from the City Council. Upon failure to do so, the City Council may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs 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 Council stating that he or she cannot pay such amount in one sum and ask that there be levied in not to exceed 10 equal installments and that the amount shall be so collected with interest at the rate of eight percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06, Wisconsin Statutes.

In lieu of the above, the City as its option may impose a penalty for the period that the violation continues, after 10 days written notice to any owner failing to make a connection to the sewer system, of a fine in the amount of \$5.00 per day. Upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 144.06.

This ordinance, 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) APPLICATIONS FOR SERVICE

(1) APPLICATION FOR SEWER SERVICE. Every person desiring to connect to the sewer system shall file an application in writing to the City Clerk on such form as is prescribed for that purpose. Such application forms 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".

If it appears that the servicer applied for will not provide adequate service for the contemplated use, the City Council may reject the application. New connections shall not be permitted unless there is adequate capacity in all downstream collection and treatment facilities. If the City Clerk approves the application, a permit shall be issued for services as shown on the application upon payment of the connection charge.

(2) APPLICATION FOR SEPTAGE DISPOSAL. Between August 1 and September 1 of each year, each licensed disposer wishing to discharge septage to the City wastewater treatment works shall file a non-refundable filing fee and an application in writing to the City Clerk on such form

as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the City Clerk. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed in the wastewater treatment works.

During the month of September, the City Council will evaluate the applications and make a determination as to the amount and conditions of septage disposal. The City Council 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 area (see NR 205.07(2)(h)).

The person(s) or party disposing waste shall furnish bond to the City in the amount of \$1,000.00 to guarantee performance. Said performance bond shall be delivered to the City Clerk prior to the issuance of the permit hereunder. Any person or party disposing of septage agrees to carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect. All City Council approvals for septage disposal shall have the condition 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.

(3) CONNECTION CHARGE. Persons attaching to a public sewer main shall pay a connection charge of \$150.00 and shall have the building sewer from the sewer main installed at their own expense.

(E) USE OF SEWERS

(1) USER TO KEEP IN REPAIR. All users shall keep their own building sewers in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

(2) BACKFLOW PREVENTOR. In areas where sewer main surcharging is known to occur, the City Council may order that all floor drains shall have a backflow prevention valve installed at the owner's expense.

(3) USER USE ONLY. No user shall allow other persons or other services to connect to the sewer system through their building sewer.

(4) VACATING SEWER OF PREMISES AND DISCONTINUANCE. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the City Clerk must be notified in writing.

(5) 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 Section 196.171, Wisconsin Statutes.

(F) 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 hereby 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 area of the City, the City Clerk shall, if practicable, give notice to each and every consumer within the affected area of the time when such service will be shut off.

(G) BUILDING SEWER CONSTRUCTION

(1) EXCAVATIONS. In making excavations in streets or highways for laying building sewers or making repairs, the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public.

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

In refilling the opening, after the 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, base course 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.

(2) TAPPING THE MAINS. No persons, except those having special permission from the City or persons in their service and approved by them, will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall

be that specified in the permits from the City, to ensure that new sewers and connections to the sewer system are properly designed and constructed.

Pipes should always be tapped on top, and not within six inches (15cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral-tee connection shall be made with approved adapters or couplings.

(3) INSTALLATION OF BUILDING SEWERS (HOUSE LATERALS). All building sewers pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section ILHR 82.04 "Building Sewers".

As required by Section ILHR 82.04(5), all laterals shall be inspected by the City, "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."

(4) CLEARWATER CONNECTION PROHIBITED. No person shall make connections of roof downspouts, foundation drains, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected within 60 days of written notice from the City.

(5) INSPECTION OF CONNECTION. The applicant for connection shall notify the City Clerk when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the City.

(H) EXTENTONS OF SEWER MAINS

The City shall extend sewer mains to a new person(s) in accordance with the following charges and the following conditions:

(1) APPLICATION: When an extension of a sewer main is required by the prospective user, said person shall make an application for such an extension in writing to the City Council by filing of a written application. After the filing of such an application, the City Council shall first determine the logical location of the next manhole or manholes. Next, the Council shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All

sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations.

(2) PAYMENT BY USERS. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users in the proportion determined by the City Council.

(3) METHOD OF DIVIDING COST. After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the City Council shall determine the benefits to be received by any parcel that can be served by said extension. Before making a determination as to benefits received, the City Council shall first divide the area to be served into logical building lots. The City Council may consider the recommendations of the landowner in determining said building lots if the landowner as part of his or her application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user. Payments are to be considered contributions to construction.

(4) FUTURE USERS. After the original contribution, any future connection by reason other than to a lot owned by a party making a previous contribution, such user may be required to pay to the City Council their pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors. No refund shall be made to the original contributors.

In addition to the charge made as above provided to each lot, each user shall pay the connection charge and the full cost of the building sewer from the main to their building.

(I) SEPTAGE ACCEPTANCE LOCATION

Septage shall only be discharged to the City's sewerage system by City-approved and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the City Council.

Septage discharges to the receiving facility at the wastewater treatment works shall be limited to the posted, normal working hours of the facility. Documentation of the discharge shall be submitted to the City Clerk within one working day of the discharge.

Septage discharges to 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 shall be limited to the normal working hours of the City and be approved in advance of each such discharge.

The forms prescribed for the purpose of documentation of the discharge will be furnished at the City Clerk's office and will include the following information:

- a). Name, address and telephone number of the hauler
- b). License number
- c). Type of septage
- d). Quantity of septage
- e). Estimated quality of septage
- f). Location, date, time and feed rate of discharge
- g). Source of septage
- h). Name and address of septage generator
- i). Other information as required by the City

(J) ADDITIONAL AUTHORITY

The City Council may at any time establish specific connection and lateral charges for any main not covered by other provisions in this ordinance or when the City Council has made an extension and the City Council has failed to provide lateral or connection charges. It is further provided that the City Council may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

ARTICLE V
REGULATIONS

(A) GENERAL DISCHARGE PROHIBITIONS

No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the City:

- 1) 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.
- 2) 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.
- 3) 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 such wastewater.
- 4) Any wastewater containing arsenic, cadmium, copper, chromium, cyanide, lead, mercury, nickel, zinc or other 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 special agreements, State or Federal Categorical Pretreatment Standards.
- 5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
- 6) Any substance which may cause the wastewater treatment works effluent, treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- 7) Any substance which will cause violations of the WPDES and/or other disposal system permits.
- 8) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- 9) Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer which exceeds 120°F unless the wastewater facilities are designed to accommodate such temperature.
- 10) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the wastewater treatment works.
- 11) Any unpolluted water including, but not limited to, non-contact cooling water.
- 12) Any wastewaters which may be acutely or chronically toxic to aquatic life or wild and domestic animals.
- 13) Any wastewater containing any radioactive wastes or isotopes of such half life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- 14) Any wastewater which causes a hazard to human life or creates a public nuisance.
- 15) Any storm water, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the City Council.

(B) LIMITATIONS ON WASTEWATER STRENGTH

- 1) NATIONAL CATEGORICAL PRETREATMENT STANDARDS shall, as promulgated by the U.S. Environmental Protection agency, be met by all dischargers of the regulated industrial categories.
- 2) STATE REQUIREMENTS and limitations on discharges to the wastewater facilities shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than other applicable requirements.
- 3) RIGHT OF REVISION. The City Council reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the wastewater facilities where deemed necessary to comply with the objectives set forth in this Ordinance.
- 4) DILUTION. No user 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 Ordinance unless approved in writing by the City.

5) SUPPLEMENTARY LIMITATIONS. No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the City Council:

<u>Material</u>	<u>Concentration (mg/l)</u>
Biochemical Oxygen Demand	350mg/L
Suspended Solids	350mg/L
Fats, Oil and Grease (FOG)	100 mg/L

The City Council may also impose mass limitations on users which are using dilution to meet the Pretreatment Standards or requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the City Council.

(C) ACCIDENTAL DISCHARGES

Each user shall provide protection from accidental discharge or prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the City for review, and shall be improved by the City before construction of the facility. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Dischargers shall notify the City immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load or prohibited materials shall be liable for any expense, loss or damage to the City's wastewater facilities on wastewater treatment works, in addition to the amount of any forfeitures imposed on the City on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on industrial user's premises, advising employees whom 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 procedures.

D) SPECIAL AGREEMENTS

No statement contained in this article shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provide that 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 are complied with.

ARTICLE VI

SEWER SERVICE CHARGE SYSTEM

(A) ADDITIONAL DEFINITIONS

The following terms shall have the following meaning under this Ordinance:

- 1) DEBT SERVICE CHARGES shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities.
- 2) NORMAL DOMESTIC STRENGTH WASTEWATER shall mean wastewater with concentrations of BOD₅ no greater than 250 milligrams per liter (mg/L) and suspended solid no greater than 250 milligrams per liter (mg/L) respectively.
- 3) NORMAL USER shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distance household, business or commercial enterprise.
- 4) OPERATION AND MAINTENANCE (O&M) COSTS shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs, associated with clear water flows (I/I), shall be divided proportionately among the various sewer users.
- 5) REPLACEMENT COSTS (R) shall include all costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance during the design life of the facility. A separate, segregated, distinct replacement fund shall be established and used only for replacement of equipment designated by the fund.
- 6) RESIDENTIAL EQUIVALENCY CHARGE (REC) is the total sewer service charge levied on users of the sewer system for payment of capital expenses, including debt service charges, as well as the operation and maintenance costs, including replacement of said facilities. The Residential Equivalency Charge is the total of the Debt Service Charge and the Sewer Use Charge.
- 7) RESIDENTIAL EQUIVALENCY UNITS (REU) are assigned to each sewer user based on the relationship to a single family dwelling. A single family dwelling is defined as a mobile home, a seasonal dwelling, a duplex unit, an apartment unit, a single family detached dwelling or a multi-family unit. Residential users are assigned one REU per unit. Commercial, Industrial, and Public users are assigned REC's based on water usage or, where water usage records are not available, based on Appendix B. Water usage shall be compared to the average water usage of single family dwellings as measured by the water utility. In no event shall any user be assigned

a residential equivalent unit less than one except for single family dwellings that have been unoccupied for more than 12 consecutive months. Upon written request to the City Council these unoccupied dwellings may be assigned a standby REU of 0.5. A list of assigned REU's is provided in Appendix A. Appendix A shall be reviewed each year by the City Clerk and modified to reflect any change in water usage, number of units or classification.

(B) POLICY

It shall be the policy of the City to obtain sufficient revenues to pay the costs for debt service and the operation and maintenance of the wastewater facilities, including a replacement fund, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such facilities.

(C) BASIS FOR RESIDENTIAL EQUIVALENCY CHARGE

The Residential Equivalence Charge, which is the total sewer service charge, shall be based on two parts, the Debt Service Charge plus the Sewer Use Charge.

The Debt Service Charge shall be sufficient to pay the debt service costs. The Sewer Use Charge shall be sufficient to pay the costs of operation and maintenance, including any replacement fund, of the wastewater facilities. The rates in this ordinance shall be reviewed not less than biennially. Such review will be performed by the City Council. Rates shall be adjusted, as required, to reflect the actual number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to operation, maintenance, replacement and debt service.

(D) DEBT SERVICE CHARGE (Debt)

A Debit Service Charge is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. The Debt Service Charge shall be **\$1.48** per REU per month.

(E) SEWER USE CHARGE (O, M & R)

A Sewer Use Charge is hereby imposed on all users of the sewerage system. Such Sewer use Charge shall be payable as hereinafter provided and in an amount determinable as follows:

(1) CATEGORY A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD₅) no greater than 250 milligrams per liter (mg/L) and suspended solids no greater than 250 milligrams per liter (mg/L). The sewer service charge (O,M&R) for Category A wastewater shall be **\$10.50** per REU per month.

Where the City Council approves a volumetric charge, the sewer use charge shall be calculated as follows:

$$\text{Sewer Use Charge} = (\text{CF} + 0.00208 \text{ CB} + \text{CS}) \times \text{V} = \text{Cv} \times \text{V}$$

CF	=	Flow unit price = \$1.27 per 1,000 gallons
CB	=	BOD unit price = \$268.89 per 1,000 gallons
CS	=	SS unit price = \$288.60 per 1,000 pounds
V	=	Total volume of water used during billing periods in units of 1,000 gallons
CV	=	Volume unit price - \$2.43 per 1,000 gallons plus \$26.65 per REU

(C) CATEGORY B is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD₅) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 250 mg/L BOD₅ and 250 mg/L SS. Flow metering and sampling shall be provided for all Category B users. The equation for the monthly Category B is as follows:

$$\begin{aligned} \text{Sewer Use Charge} &= \text{Category A charge} \\ &+ \frac{\text{BOD}}{1000} \times \text{V} \times 0.00834 \times \text{CB} \\ &+ \frac{\text{SS}}{1000} \times \text{V} \times 0.00834 \times \text{CS} \end{aligned}$$

BOD	=	Total Biochemical oxygen demand expressed in mg/L – 250
SS	=	Total Suspended Solids expressed in mg/L – 250
CB	=	BOD unit price = \$268.89 per 1,000 pounds
CS	=	SS unit price = \$288.60 per 1,000 pounds
V	=	Total volume of water used during billing period in units of 1,000 gallons

(3) CATEGORY C is defined as septage which has organic concentrations of biochemical oxygen demand (BOD) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 250 milligrams per liter (mg/L). The equation for the charge is the same as Category B with an additional debt service and administrative charge of \$15.00 per load. It will be assumed that holding tank wastewater has a BOD of 600 mg/L and a S.S. of 1,800 mg/L and septic tank wastewater has a BOD of 5,000 mg/L and S.S. of 15,000 mg/L unless an actual analysis is furnished by the discharger. This concentration results in a holding tank charge of \$6.94 per 1,000 gallons plus \$15.00 and a septic tank wastewater charge of \$48.55 per 1,000 gallons plus \$15.00.

(F) RESIDENTIAL EQUIVALENCY CHARGE (REC) is the total of the Debt Service Charge (\$1.48) and the Sewer Use Charge (\$10.50) and is \$12.00 per REU per month.

ARTICLE VII

CONTROL OF INDUSTRIAL AND SEPTAGE WASTEWATERS

(A) DISCHARGE CONDITIONS

If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities which contain substances or possess the characteristics enumerated in Article V and which, in the judgment of the City Council may be detrimental to the wastewater facilities, the City Council may:

- 1) Reject the wastes
- 2) Require pretreatment to an acceptable condition for discharge to the sewer system
- 3) Require control over the quantities and rates of discharge
- 4) Require payment to cover the added cost of handling and treating the wastewater not covered by existing sewer charges under the provisions of Section IV(C).

(B) SEPTAGE DISCHARGES

Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.

(C) CONTROL MANHOLES

(1) 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 their waste, excluding domestic sewage when feasible.

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

(3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the City Council prior to the beginning of construction.

(D) MEASUREMENT OF FLOW

The volume of flow used for computing the Sewer Use Charge for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the Fountain City Water Utility unless approved wastewater flow meters are provided.

(E) PROVISION FOR DEDUCTIONS

In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the City Council that more than 10 percent 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 wastewater volume discharged into the public sewer may be made a matter of agreement between the City and the industrial wastewater discharger.

(F) METERING OF WASTEWATER

Devices for measuring the volume of wastewater discharged may be required by the City Council if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the City Council.

(G) WASTEWATER SAMPLING

- 1) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the City.
- 2) 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 Sanitary District.
- 3) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the City Council or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Wisconsin registered or certified laboratory.

(H) PRETREATMENT

When required, in the opinion of the City Council, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities, the discharger shall provided at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(I) GREASE AND/OR SAND INTERCEPTORS

When required, the opinion of the City Council, grease, oil, and sand receptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(J) ANALYSES

- 1) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, duration's, and frequencies are to be determined on an individual basis subject to approval by the Sanitary District Engineer
- 2) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated and required by the City Council. The city may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the City may elect to have an independent laboratory determine character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the city and person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(K) SUBMISSION OF INFORMATION

Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, of wastewater processing facilities shall be submitted for review of the City Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(L) SUBMISSION OF BASIC DATA

Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the City, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The City shall be notified 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength. Such request shall be evaluated as provided in Article VII (A).

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the City a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

ARTICLE VIII

PAYMENT FOR CHARGES

(A) PAYMENT AND PENALTY

The Residential Equivalency Charge shall be for the corresponding period of the water bills, and shall be payable to the City Clerk not later than 20 days after the end of each period. A penalty of one and one-half (1 ½) percent per month shall be added to all bills not paid by the date fixed for final payment.

(B) CHARGES A LIEN

All sewage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

(C) DISPOSITION OF REVENUE

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account which shall show all receipts and expenditures of the wastewater facilities. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from this fund as to both principal and interest. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the City Council, the credits to the account shall be available for the payment of costs of wastewater facilities consistent with NR 162.

(D) ADDITIONAL CHARGES

Additional charges shall be imposed upon each lot, parcel of land, building, or premises served by public sewer and wastewater facilities located outside the boundaries of the City to equalize local capital costs.

(E) EXCESS REVENUES

Any surplus remaining after payment of debt service charges, operation and maintenance and replacement costs shall be credited to the following year's operation and maintenance account. Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

ARTICLE IX

AUDIT

(A) ANNUAL AUDIT

The City Council shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt service charges. The findings and recommendations of this audit shall be available for public inspection.

ARTICLE X

VIOLATIONS AND PENALTIES

(A) 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 wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(B) WRITTEN NOTICE OF VIOLATION

Any person connected to the wastewater facilities 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.

Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this ordinance or of any conditions of the City's approval for septage disposal, may have their approval immediately revoked. Their revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

(C) DELETERIOUS DISCHARGE

Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the facilities and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the City Council.

(D) DISCHARGE REPORTING

Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the City Clerk.

(E) CONTINUED VIOLATIONS

Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than five hundred dollars (\$500.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed five (5) days. Each day in which any

violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(F) LIABILITY TO CITY FOR LOSSES

Any person violating any provision of this Ordinance shall become liable to the City or any expense, loss, or damage occasioned by reason of such violation which the City may suffer as a result thereof.

(G) DAMAGE RECOVERY

The City shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the wastewater facilities damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

(H) PENALTIES

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the City who shall connect a service pipe or discharge 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, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution. This, however shall not bar the City from enforcing the connection duties set out in Section IV (C)(2) for mandatory hookup.

(I) APPEAL PROCEDURES

Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the City Council a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The City Council shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the City Council is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action file a written appeal with the City Council. A fee of \$100.00 shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant.

ARTICLE XI

VALIDITY

(A) **REPEAL OF CONFLICTING ORDINANCES.** All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

(B) **SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if in the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(C) **AMENDMENTS.** This City, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only upon notice and proper hearing on the proposed amendment.

ARTICLE XIII

EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage, approval, and posting as provided by law.

PASSED: December 7, 1993

Carl Brommerich – Mayor

APPROVED: December 7, 1993

Barb Schmidtknecht – City Clerk

ORDINANCE POSTED: December 30, 1993

Barb Schmidtknecht – City Clerk

1993 APPENDIX A

RESIDENTIAL EQUIVALENCY UNITS LISTED WITH HARD COPY OF ORDINANCE

1993 APPENDIX B

RESIDENTIAL EQUIVALENCY UNITS CHART WITH HARD COPY OF ORDINANCE

