

TITLE V: PUBLIC WORKS

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CHAPTER 50: SOLID WASTE AND RECYCLING

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§ 50.01 TITLE.

The title of this chapter is Solid Waste and Recycling Ordinance for the City of Mineral Point. (Ord. 516, passed 1-4-1994)

§ 50.02 PURPOSE AND AUTHORIZATION.

(A) *Purpose.* The purpose of this chapter is to promote recycling, composting and resource recovery through the administration of an effective recycling program, as provided in Wis. Stats. § 287.11, and Wis. Adm. Code, Chapter NR 544.

(B) *Statutory authority.* This chapter is adopted and authorized under Wis. Stats. § 287.09.

(C) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall apply.

(D) *Interpretation.* In its interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this chapter may be inconsistent

or conflicting, the more restrictive requirements or interpretations shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Wis. Adm. Code, Chapter 544, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter 544 standards in effect on the date of the adoption of this chapter, or in effect on the date of the most recent text amendment to this chapter.
(Ord. 516, passed 1-4-1994)

§ 50.03 APPLICABILITY AND ADMINISTRATION.

(A) *Applicability.* The requirements of this chapter shall apply to all persons within the city.

(B) *Administration.* The provisions of this chapter shall be administered by the Mineral Point Common Council, the Mayor of the city, and the City Clerk-Treasurer of the city.

(C) *Collection schedule.* The following provisions shall govern collection of solid wastes and recyclables for the city:

- (1) All refuse and garbage from single-family and 2- to 4-unit residences, exclusive of those materials listed in § 50.05(A), shall be collected weekly and shall be placed at the curbside by 7:00 a.m. on the day of collection.
- (2) All refuse and garbage from multi-family dwellings and nonresidential facilities and properties, exclusive of those materials listed in § 50.05(A), shall be collected weekly and shall be placed either at the curbside by 7:00 a.m. on the day of collection or in an approved dumpster.
- (3) All recyclables listed in § 50.05(A)(5) through (14) shall be collected every week and shall be placed at the curbside in approved recycling bins by 7:00 a.m. on the day of collection.
- (4) The recycling bins shall remain the property of Faherty Recycling (private contractor). It shall be the responsibility of all users of the bins to maintain the bins, and if lost or damaged, the user shall be responsible for replacing the recycling bins.
- (5) (a) Each residential dwelling is entitled to two 35-gallon containers or two 35-gallon bags of garbage waste to be serviced by the residential garbage contractor, 2-family dwellings are entitled to 4 containers or 4 bags of garbage waste. Each additional container or bag must have a City of Mineral Point collection tag attached to it. Should additional tags be required, they will be made available by the city at a cost of \$1 per tag and can be picked up at City Hall.

(b) The city or its contract shall not be obligated to pick up garbage containers weighing over 50 pounds each, but the contract shall be required to attach a tag to the container stating the reasons for refusing collection.

(Am. Ord. 542, passed 11-7-1995)

(D) *Local government purchasing.* The city shall, to the extent practicable, make purchasing decisions to maximize the purchasing of products made from recycled and recovered materials. The city shall, to the extent practicable, award contracts for equipment and supplies on the basis of recyclability and ultimate disposition of products to discourage the purchase of single-use disposable products and require purchase of multiple-use, durable products.

(E) *Unauthorized garbage.*

- (1) No person shall dispose of or dump garbage in any street, alley or public place within the city or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and in the time specified by this chapter.
- (2) No person shall place for collection any garbage or recyclables at the curb not owned or occupied by that person.
- (3) No person shall bring refuse for disposal (and recyclables) from outside the corporate limits into the city unless authorized by agreement by the city.
- (4) It shall be unlawful to burn or bury solid waste or recyclables by residential and nonresidential sectors and at construction sites, the only exception being an allowance for open burning which shall be permitted only of clean wood and paper products.
(Ord. 516, passed 1-4-1994) Penalty, see § 50.99

§ 50.04 DEFINITIONS.

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

BI-METAL CONTAINER. A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

CONTAINER BOARD. Corrugated paperboard used in the manufacture of shipping containers and related products.

FOAM POLYSTYRENE PACKAGING. Packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (1) Is designed for serving food or beverages;
- (2) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container; or
- (3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

HDPE. High density polystyrene, labeled by the SPI Code #2.

LDPE. Low density polystyrene, labeled by the SPI Code #4.

MAGAZINES. Magazines and other materials printed on similar paper.

MAJOR APPLIANCE. A residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, residential furnace, commercial furnace, boiler, dehumidifier, water heater or stove.

(Am. Ord. 526, passed 8-2-1994)

MULTIPLE-FAMILY DWELLING. A property containing 5 or more residential units, including those which are occupied seasonally.

NEWSPAPER. A newspaper or other materials printed on newsprint.

NONRESIDENTIAL FACILITIES AND PROPERTIES. Commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.

OFFICE PAPER. High grade printing and writing papers from offices and nonresidential facilities and properties. Printed white ledger and computer printout are examples of **OFFICE PAPER** generally accepted as high grade. This term does not include industrial processed waste.

OTHER RESINS or MULTIPLE RESINS. Plastic resins labeled by SPI Code #7.

PERSON. Includes any individual, corporation, partnership, association, local governmental unit, as defined in Wis. Stats. Ch. 66, state agency or authority or federal agency.

PETE. Polyethylene terephthalate labeled by the SPI Code #1.

PLASTIC CONTAINER. An individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is ordinarily used to contain a product that is the subject of a retail sale.

POST-CONSUMER WASTE. Solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Wis. Stats. § 289.01, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial wastes, as defined in Wis. Stats. § 289.01.

PP. Polypropylene, labeled by the SPI Code #5.

PS. Polystyrene, labeled by the SPI Code #6.

PVC. Polyvinyl chloride, labeled by the SPI Code #3.

RECYCLABLE MATERIALS. Includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

SOLID WASTE. The meaning specified in Wis. Stats. § 289.01.

SOLID WASTE FACILITY. The meaning specified in Wis. Stats. § 289.01.

SOLID WASTE TREATMENT. Any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. **TREATMENT** includes incineration.

SPI CODE #. Refers to the material being identified by the Society of the Plastics Industry, Inc., a specific resin identification code.

WASTE TIRE. A tire that is no longer suitable for its original purpose because of wear, damage or defect.

YARD WASTE. Leaves, grass clippings, yard and garden debris and brush, including cleaned woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
(Ord. 516, passed 1-4-1994)

§ 50.05 MANDATORY RECYCLABLE MATERIALS.

(A) *Separation of recyclable materials.* Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from post-consumer waste:

- (1) Lead acid batteries;
- (2) Major appliances;
- (3) Waste oil;
- (4) Yard waste;
- (5) Aluminum containers;
- (6) Bi-metal containers;
- (7) Corrugated paper or other container board;
- (8) Foam polystyrene packaging;
- (9) Glass containers;
- (10) Magazines;
- (11) Newspapers;
- (12) Office paper;
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins;

- (14) Steel containers; and
- (15) Waste tires.

(B) *Separation requirements exempted.* The separation requirements of division (A) of this section do not apply to the following:

- (1) Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and nonresidential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in division (A)(5) through (15) from solid waste in as pure a form as is technically feasible;
- (2) Solid waste which is burned as a supplemental fuel at a facility, if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel; or
- (3) Recyclable materials specified in division (A)(5) through (15), for which a variance has been granted by the Department of Natural Resources under Wis. Stats. § 287.11, or Wis. Adm. Code, § 544.14.

(C) *Care of separated recyclable materials.* To the greatest extent practicable, the recyclable materials separated in accordance with division (A) above shall be free and kept free of contaminants such as food or product residue, oil or grease, or other recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

(D) *Non-disposable materials.* No person shall place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps (except Christmas trees) construction debris, carcasses, medical waste (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

(E) Special materials.

- (1) Materials such as couches and bulky items shall be disposed of semiannually during the special collection days. Any City of Mineral Point resident or business can bring such items to the collection site on the collection day and place in the designated area, unless the city designates that the materials shall be picked up by curbside by city personnel.
- (2) At any other times during the year, residents shall contact the hauler when they have couches and bulky materials and arrangements for collection shall be made between resident and hauler. Construction materials from household remodeling or repair shall be handled pursuant to this division.
(Ord. 516, passed 1-4-1994)

§ 50.06 PREPARATION, COLLECTION AND MANAGEMENT OF RECYCLABLE MATERIALS.

(A) *Management of lead acid batteries, major appliances, waste oil and yard waste.* Occupants of single-family and 2- to 4-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

(1) Lead acid batteries shall be taken to a retail business which sells vehicle batteries. NAPA Auto Parts in Dodgeville or Mineral Point will accept any lead acid battery. There may be a charge for this service.

(2) Major appliances shall be taken to the semi-annual collection date and set in the designated area or, if allowed, placed by the curb for pickup. In the alternative, residents can contact R Country Recycling in Dodgeville or Faherty, Inc., in Platteville, as these businesses will take major appliances. There may be a charge for this service.

(3) Waste oil, being defined as motor oil, transmission oil or dirty fuel oil, free of water or other contaminants, shall be taken to a facility which collects waste oil. Wayne's Amoco of Mineral Point will accept waste oil products. There may be a charge for this service.

(4) Yard waste shall be bagged or bundled and placed by the curb on collection days as designated semiannually by the city. Leaves, grass clippings and yard and garden debris should be in bags with tops left open. Brush should be tied in bundles with a length of 4 feet or less.

(B) *Preparation and collection of recyclable materials.* Except as otherwise directed by the Common Council for the City of Mineral Point, occupants of single-family and 2- to 4-unit residences shall do the following for the preparation and collection of the separated materials specified in § 50.05(A)(5) through (15):

(1) Aluminum containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(2) Bi-metal containers shall be rinsed free of product residue and placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied to a size no larger than 3 feet by 3 feet, and placed upon the curb on the day designated for collection.

(4) Foam polystyrene packaging shall be rinsed free of product residue, placed in a plastic or paper sack, placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(5) Glass containers shall be rinsed free of product residue and lids shall be removed. Labels do not have to be removed. Containers shall be placed in the approved recycling bin and placed upon the curb on the date designated for collection.

(6) Magazines shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

(7) Newspapers shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

(8) Office paper shall be bundled or bagged separately from other paper products and placed upon the curb on the day designated for collection.

(9) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, including clear and green soda and liquor bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(b) Plastic containers made of **HDPE**, including milk and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(c) All other plastic containers shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(10) Steel containers shall be rinsed free of product residue and labels shall be removed. The containers do not need to be flattened. The containers and lids shall be placed in the approved recycling bin and placed upon the curb on the day designated for collection.

(11) Waste tires shall be taken to Dodgeville Tire and Service Center in Dodgeville, Wisconsin, for disposal. There will be a charge for this service.

(C) Responsibilities of owners or designated agents of multi-family dwellings.

(1) Owners or designated agents of multi-family dwellings shall do all of the following to recycle the materials specified in § 50.05(A)(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials;

(b) Notify in writing, at the time of renting or leasing, and at least semiannually, all users, tenants and occupants of the properties about the established recycling program;

(c) Provide for collection of the materials separated from the solid waste by the users, tenants and occupants of the delivery of the materials to a recycling facility; and

(d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The responsibility specified in this division (C) does not apply to the owners or designated agents of multi-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in § 50.05(A)(5) through (15) from solid waste in as pure a form as is technically feasible.

(D) Responsibilities of owners or designated agents of nonresidential facilities or properties.

(1) Owners or designated agents of nonresidential facilities or properties shall do all of the following to recycle the materials specified in § 50.05(A)(5) through (15):

(a) Provide adequate, separate containers for the recyclable materials;

(b) Notify in writing, at the time of renting or leasing, and at least semiannually, all users, tenants and occupants of the properties about the established recycling program;

(c) Provide for collection of the materials separated from the solid waste by the users, tenants and occupants of the delivery of the materials to a recycling facility; and

(d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The responsibility specified in this division (D) does not apply to the owners or designated agents of nonresidential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling materials specified in § 50.05(A)(5) through (15) from solid waste in as pure a form as is technically feasible.

(E) Prohibitions on disposal of recyclable materials separated for recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in § 50.05(a)(5) through (15), which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(F) *Anti-scavenging of recyclables.* No person, unless under contract with the city, shall collect or remove any recyclable materials that have been deposited or placed at the curb for purpose of collection of recycling.

(G) *Specified containers:*

(1) Solid waste shall be placed for collection in containers as designated by the city, not to exceed 50 pounds per container or 35 gallons, and contained in a manner to avoid litter.

(2) Recyclables will be placed in the containers as designated by the city. If there is a greater amount of recyclables than can be contained in the designated bin, those excess materials can be contained in clear plastic bags, marked cardboard boxes, opened containers, or any other appropriate container where waste can be determined, and placed on top or adjacent to the recycling container clearly separated from the garbage.

(3) All solid waste and recyclables shall be placed as herein required at the specified collection point no sooner than 12 hours prior to the regularly scheduled collection time or be allowed to remain at the curb longer than 12 hours thereafter.

(4) Except as otherwise specifically directed or authorized by the city, solid waste and recycling containers shall be placed at the curblines, adjacent to the premises owned or occupied by the person, of the street designated in the published collection schedule for collection. Materials shall be placed out for collection according to the scheduled days established and published by the city.

(H) *Exemptions.* The city reserves the right to designate additional solid waste materials as recyclable or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the city. The City Clerk-Treasurer shall provide written notice to its service recipients of this declaration through official publication. (Ord. 516, passed 1-4-1994)

§ 50.07 HAULER SPECIFICATIONS.

(A) *Hauler licensing.* No person or corporation shall engage in the business of hauling recyclables within the city without being licensed by the Department of Natural Resources under Wis. Adm. Code, § 502.06.

(B) *Hauler restriction.* Haulers may not dispose in a landfill or burn in a solid waste facility any recyclable materials generated in the city that have been separated for recycling, except waste tires which may be burned with energy recover in a solid waste treatment facility. Hauler shall not compact glass with paper during collection and transport of recyclables to a processing facility or market, and shall maintain materials in a marketable condition.

(C) *Right to reject materials.* The hauler has the right to leave at the curb any recyclable material that is not prepared according to the specifications of § 50.06(B). Materials may also be left if not separated from solid waste, placed in the proper container or are not designated recyclable materials for collection. The hauler also has the right to refuse to pick up any solid waste if it contains recyclable containers and material. In such cases, the hauler shall notify the generator of the materials about the reasons for rejecting the items in writing. The hauler shall also keep a list of repeat offenders and provide it to the city on a quarterly basis.

(D) *Reporting requirements.* The recycling hauler operating in the city is required to maintain records and reports in writing to the City of Mineral Point at least twice each year. Reports shall include: the amount of solid waste and recyclables collected and transported for the city; the amount of solid waste and recyclables processed and/or marketed by item type for the city; and the final disposal location of a solid waste and recyclable material. Failure to report shall be cause for the city to sever any contract with the hauler.

(Ord. 516, passed 1-4-1994)

§ 50.08 SOLID WASTE RECYCLING COLLECTION FEE.

The cost requirements under this recycling chapter will be borne by taxpayer dollars, and shall be placed as a budget item on the annual budget for the city.

(Ord. 516, passed 1-4-1994)

§ 50.09 ENFORCEMENT.

(A) *Authorized inspection.* For the purpose of ascertaining compliance with the provisions of this chapter, any authorized officer, employee or representative of the city may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas in multiple-family dwellings and nonresidential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employer or authorized representative of the city, the Common Council, the Mayor, or the City Clerk- Treasurer who requests access for purposes of inspection and who presents appropriate credentials. No person may obstruct, hamper or interfere with an inspection.

(B) *Violation.* Any person who violates a provision of this chapter may be issued a citation by the Mineral Point Police Department to collect forfeitures. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this division.

(Ord. 516, passed 1-4-1994) Penalty, see § 50.99

§ 50.10 EFFECTIVE DATE.

The provisions of this chapter shall take effect on January 1, 1995.
(Ord. 516, passed 1-4-1994)

§ 50.99 PENALTY.

Penalties for violation of this chapter may be assessed as follows:

(A) Any person who violates a provision of this chapter, except § 50.06(B) may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(B) Any person who violates § 50.06(B) may be required to forfeit not less than \$10 nor more than \$1,000 for each violation.

(C) Collection for any penalties shall be handled in the same manner that any violation of a city ordinance is handled, i.e., by order of the Iowa County Circuit Court.
(Ord. 516, passed 1-4-1994; Am. Ord. 543, passed 11-7-1995)

CHAPTER 51: MUNICIPAL UTILITIES

Section

Management of Utilities

51.01 Water and Sewer Committee

Water

51.15 Rates, rules and regulations

51.16 Private well abandonment

51.17 Cross-connection control

51.18 Lead water service line replacement

Gas

51.30 Natural gas franchises

51.99 Penalty

MANAGEMENT OF UTILITIES

§ 51.01 WATER AND SEWER COMMITTEE.

The Common Council, through the Water and Sewer Committee, shall manage the municipal utilities and shall have all of the powers of a utility commission under Wis. Stats. § 66.0805. All records of the utilities shall be kept on file in the City Clerk-Treasurer's office.

(1989 Code, § 13.01)

Municipal Utilities

WATER

§ 51.15 RATES, RULES AND REGULATIONS.

(A) *Rates.* The rates, rules and regulations of the City Water Utility shall be those approved by the Common Council and on file and approved by the State Public Service Commission. Ordinance #354, prescribing rates, rules and regulations, and all amendments thereto, is adopted as if fully set forth herein. (Am. Ord. 354, passed - -)

(B) *Operating rules.*

(1) All persons now receiving a water supply from the utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

(2) The following provisions of Wis. Adm. Code, Ch. PSC 185 are adopted by reference and made a part of these rules as if set forth in full. A violation of any such rules shall constitute a violation of this section and shall be punishable as provided in § 10.99.

<i>Wis. Adm. Code Section</i>	<i>Title</i>
185.11	Authorization for and Application of Rules
185.12	Definitions
185.13	General Requirements
185.15	Free or Discriminatory Service Prohibited
185.16	Protection of Utility Facilities
185.17	Interference With Public Service Structures
185.18	Location of Records
185.19	Retention of Records
185.21	Schedules to be Filed With the Commission
185.22	Information Available to Customers
185.31	Metered Service
185.32	Meter Readings and Billing Periods
185.33	Billing

Municipal Utilities

<i>Wis. Adm. Code Section</i>	<i>Title</i>
185.35	Adjustment of Bills
185.36	Deposits for Residential Service
185.361	Deposits for Nonresidential Service
185.37	Disconnection and Refusal of Service
185.38	Deferred Payment Agreement
185.39	Dispute Procedures
185.41	Employees Authorized to Enter Customers' Premises
185.43	Customer Complaints
185.44	Records and Reports of Service Interruptions
185.45	Pumpage Records
185.46	Metering Equipment Records
185.47	Other Records
185.51	Requirement for Good Engineering Practice
185.52	Construction Standards
185.53	Metering Configuration
185.61	Meters
185.65	Accuracy Requirements for Customer Meters
185.71	Meter Testing Facilities and Equipment
185.72	Calibration of Meter Testing Equipment
185.73	Testing of Customer Meters
185.74	Test Flows
185.75	Required Tests of Customer Meters
185.751	Alternative Sample-Testing Plan for Before-Use Test for 5/8-, 3/4-, and 1-inch Meters
185.76	Periodic Tests
185.761	Alternative Sample-Testing Plan for In-Use Meters

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<i>Wis. Adm. Code Section</i>	<i>Title</i>
185.77	Complaint Tests
185.78	Referee Tests
185.79	Testing of Metering Installations Having Remote Registers
185.795	Electrical Safety
185.81	Quality of Water
185.815	Adequacy of Water Supply
185.82	Pressure Standards
185.83	Station Meters
185.84	Emergency Operation
185.85	System Losses
185.86	Flushing Mains
185.87	Interruptions of Service
185.88	Frozen Laterals
185.89	Thawing Frozen Services

(1989 Code, § 13.05)

§ 51.16 PRIVATE WELL ABANDONMENT.

(A) Purpose. The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater. These wells must be properly filled and sealed.

(B) Coverage. All private wells located on any premises which is served by the public water system of the city shall be properly filled by October 1, 1986. Only those wells for which a well operation permit has been granted by the City Clerk-Treasurer may be exempted from this requirement, subject to conditions of maintenance and operation.

(C) Well operation permits. A permit may be granted to a well owner to operate a well for a period not to exceed 1 year if the following requirements are met. Application shall be made on forms provided by the City Clerk-Treasurer.

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- (1) The well and pump installation meet the requirements of Wis. Adm. Code, Ch. PSC 112, and a well constructor's report is on file with the Department of Natural Resources or certification of the acceptability of the well has been granted by the private water supply section of the Department of Natural Resources;
- (2) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by 3 samplings 2 weeks apart;
- (3) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system; and
- (4) No physical connection shall exist between the piping of the public water system and the private well.

(D) Methods. Wells to be abandoned shall be filled according to the procedures outlined in Wis. Adm. Code, Ch. PSC 112. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.

(E) Reports and inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency, available at the office of the City Clerk-Treasurer. The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the city.
(1989 Code, § 13.06) (Ord. 421, passed - -)

§ 51.17 CROSS-CONNECTION CONTROL.

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

(B) No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the city, unless the private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City Water Department and by the Wisconsin Department of Natural Resources in accordance with Wis. Adm. Code, Ch. PSC 185.

(C) The Water Superintendent shall cause inspections to be made of all properties served by the public water system where cross-connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Common Council and as approved by the Wisconsin Department of Natural Resources.

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(D) Upon presentation of credentials, the representative of the Water Superintendent shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the city for cross-connections. If entry is refused, the representative shall obtain a special inspection warrant under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on the property.

(E) The City Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Wis. Stats. Ch. 68, except as provided in division (F) of this section. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

(F) If it is determined by the City Water Department that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the City Clerk-Treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Wis. Stats. Ch. 68, within 10 days of such emergency discontinuance.

(G) The city hereby adopts by reference the State Plumbing Code, Wis. Adm. Code, Ch. Comm. 82.

(H) This section does not supersede the State Plumbing Code, but is supplementary to it. (1989 Code, § 13.07) (Ord. 422, passed - -)

§ 51.18 LEAD WATER SERVICE LINE REPLACEMENT.

(A) Intent and purpose - The Council finds that it is in the public interest to establish a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the City utilities water system and in private systems and, to that end, declares the purposes of this section to be as follows:

(1) To ensure that the water quality at every tap of utility customers meets the water quality standards specified under the federal law;

(2) To reduce the lead in City drinking water to meet the Environmental Protection Agency (EPA) standards and ideally to a lead contaminant level of zero in city drinking water for the health of City residents;

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(3) To eliminate the constriction of water flow caused by mineral rich groundwater flowing through lead water service pipes and the consequent buildup of mineral deposits inside lead pipes; and

(4) To meet the Wisconsin Department of Natural Resource (DNR) requirements for local compliance with the Lead and Copper Rule (see CFR 6460, 40 CFR parts 141.80 -141.90 and Wis. Admin. Code ss NR 809.541 - 809.55.)

(B) Water System Reconstruction

(1) Inspection required - The public works director or his or her designee shall inspect all private connections to the public water mains at the time that the utility system is to be reconstructed:

(a) Any existing private lead water lateral shall be considered illegal.

(b) Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.

(c) As the reconstruction progresses, the public works director or his or her designee shall inspect each private water lateral connection for the presence of lead or, in the event inspection had been made previously, determine the condition of the private water connection from inspection records.

(i) In the event that the private water lateral does not contain lead, the city shall reconnect the same to the utility system at an appropriate point near the right-of- way line.

(ii) In the event that the private water lateral is found to contain lead, the public works director or his or her designee shall immediately notify the owner in writing of that fact.

(2) Owner to Replace Lead Service - The owner shall, at the owner's expense, replace the lead service. In all cases, the Village shall supply an appropriate connection point as part of its work. The owner may elect to:

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(a) Contract with licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice for the repairs to be completed.

(b) Have the City contractors, if available, complete the repair. If available, and should the owner select this option, the owner shall make arrangements with the contractor to pay the entire cost of making the repair.

(3) The City may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building water laterals.

(C) Authority to discontinue service. As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding replacement of illegal private water laterals, the utility may, no sooner than 30 days after the giving of notice, discontinue water service to such property served by illegal private water lateral after reasonable opportunity has been given to make the appropriate repairs.

(D) All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

(Ord. - , 10-14-2019)

GAS

§ 51.30 NATURAL GAS FRANCHISES.

(A) Natural gas franchises have been awarded by the Common Council by Ordinance #243 to Natural Gas Distributors, Inc., and by Ordinance #266 to the Wisconsin Power and Light Company.

(B) These ordinances are not repealed by this codification, but this codification shall not revive any rights which may have expired under those ordinances.

(1989 Code, § 13.10)

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§ 51.99 PENALTY.

Except as otherwise provided, any person found in violation of any provision of this chapter or any rule, regulation or order made hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code.

(1989 Code, § 13.25)

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CHAPTER 52: SEWERS

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GENERAL PROVISIONS

§ 52.01 AUTHORITY.

This chapter is adopted under the authority granted by Wis. Stats. §§ 62.18, 62.185 and 62.19. (1989 Code, § 13.15(1))

§ 52.02 TITLE.

This chapter shall be known, referred to and cited as the User Charge, Industrial Cost Recovery and Sewer Use Ordinance for the City of Mineral Point, State of Wisconsin, and hereinafter referred to as this chapter.

(1989 Code, § 13.15(2))

§ 52.03 FINDINGS AND DECLARATION OF POLICY.

The Common Council hereby finds that the requirements for the issuance of federal grants and the acceptance of such grants by the city under Title 2, Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*, 33 U.S.C. §§ 1281 *et seq.*, as amended, and the regulations of the U.S. Environmental Protection Agency as promulgated in the September 27, 1978, Federal Register, Vol. 43, No. 188, for the construction of waste treatment works to improve the quality of effluent discharges from the city, establish:

(A) The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;

(B) The necessity of recovering an amount of the grants from a defined set of classes of industrial users in an amount proportionate to the use of that industry of the wastewater treatment facility design, which system is called an industrial cost recovery system; and

(C) The necessity of enacting regulations that control the use and inflow into waste treatment works. (1989 Code, § 13.15(3))

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§ 52.04 PURPOSE AND INTENT.

The purpose of this chapter is to promote the public health, safety, prosperity, aesthetics and general welfare of the citizens of the city, and is designed to provide the legislative enactments required under the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*, 33 U.S.C. §§ 1281 *et seq.*, as amended, and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges from waste treatment works. It is further intended to provide for administration and enforcement of this chapter and to provide penalties for its violations.
(1989 Code, § 13.15(4))

§ 52.05 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
(1989 Code, § 13.15(5))

§ 52.06 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the state statutes.
(1989 Code, § 13.15(6))

§ 52.07 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number.

ACT. The Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*, 33 U.S.C. §§ 1281 *et seq.*, as amended, 33 U.S.C. §§ 1251 *et seq.* (Supp. IV, 1974), Clean Water Act (1977), Fed. Reg. Vol. 43, No. 188.

ADMINISTRATOR. The Regional Administrator of Region V of the U.S. Environmental Protection Agency.

AUDIT. An **AUDIT** as a separate report from other funds and shall cover the following:

- (1) Financial operations are properly conducted;

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- (2) Financial reports are presented fairly;
- (3) Applicable laws and regulations have been complied with;
- (4) Resources are managed and used in an economical and efficient manner;
- (5) Desired results and objectives are being achieved in a financially effective manner; and
- (6) Records of audit of the industrial cost recovery system (ICRS) charges and expenditures are being retained for the useful life of the improvement.

BETTERMENT, FUNCTIONAL A process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

BETTERMENT, PHYSICAL The expansion of a physical facility to increase capacity of the treatment works.

BILLABLE BIOCHEMICAL OXYGEN DEMAND (BOD). A user's loading in pounds of **BOD** calculated using the billable flow and concentration of **BOD** in the waste as determined by the City Engineer. Minimum waste strength of **BOD** shall be the domestic waste concentration of 200 milligrams per liter for the purpose of billing for user charges.

BILLABLE FLOW. A user's recorded quarterly water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer exempt metered data, times the city-approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of **BILLABLE FLOW** shall have their **BILLABLE FLOW estimated** by averaging the **BILLABLE FLOW** of other residential users of the same class.

BILLABLE TOTAL SUSPENDED SOLIDS (TSS). A user's loading in pounds of **TSS** calculated using the billable flow and concentration of **TSS** in the waste as determined by the City Engineer. Minimum waste strength of **TSS** shall be the domestic waste concentration of 250 milligrams per liter for the purpose of billing for user charges.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedures in 5 days at 20°C.

BUILDING DRAIN, SANITARY. That part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins 3 feet outside the building wall.

BUILDING DRAIN, STORM. That part of the lowest horizontal piping of a drainage system which receives stormwater or other clear water discharge, but receives no wastewater from sewage or other

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drainage pipes, and is located inside the walls of a building and conveys the sewage to the building sewer, which begins 3 feet outside the building wall.

BUILDING SEWER, SANITARY. The extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewage. This is also known as a house connection.

BUILDING SEWER, STORM. The extension from the building drain to the public sewer or other place of disposal and conveys stormwater or other clear water drainage, but no sanitary or industrial sewage. This is also known as a house connection.

CITY. The City of Mineral Point.

CITY ENGINEER. The City Engineer of the City of Mineral Point, Wisconsin, or its designated engineer.

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

COSTS, RENEWAL. The expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of plant is present at the end of the anticipated useful life.

COSTS, REPLACEMENT. The expenditures for obtaining and installing equipment, accessories or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which the works were designed and constructed. The term "Operation and Maintenance Costs," as defined above, includes *REPLACEMENT COSTS*.

COUNCIL, CITY OR COMMON. The governing body of the City of Mineral Point, Wisconsin.

DEPOSITED. Placing funds in control of the city and, if the deposit is in the form of a bank check, it shall not be deemed collected within this definition until the applicable rules of the bank's collection procedures are fulfilled.

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DEPRECIATION. An annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

EASEMENT. An acquired legal right, less than fee simple, for the specific use of land owned by others.

EXPENDITURES, AUTHORIZED. Those expenditures authorized by the Common Council and made payable from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from the reserve funds shall be limited to those for which the fund was created.

FECAL COLIFORM. Any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

FORCE MAIN. A pipe in which wastewater is carried under pressure.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

GARBAGE, SHREDED. Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.25 centimeters) in any dimension.

INDUSTRIAL COST RECOVERY SYSTEM. The system of charges levied to recover from the industrial users of the wastewater treatment facilities the federal grant amount, issued under 33 U.S.C. §§ 1281 *et seq.*, as amended, allocable to the construction of facilities for treatment of wastes from the industrial users. These charges are separate from and not a part of the wastewater treatment bill whose constituent elements include the user charge system and the billing and collection charge.

INDUSTRY, SIGNIFICANT. Any industry that will contribute greater than 10% of the design flow and/or design pollutant loading of the treatment works.

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

INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

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

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

MATTER, VOLATILE ORGANIC. The material in the sewage solids transformed to gases or vapors when heated at 500°C for 15 minutes.

MAY. The matter referred to is permissive.

METHODS, STANDARD. The laboratory procedures set forth in the following sources: *Standard Method for the Examination of Water and Wastewater*, 13th Edition, as amended, prepared and published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation; *Methods for Chemical Analysis of Water and Wastes* (1971), prepared and published by the Analytical Quality Control Laboratory, U.S. Environmental Protection Agency; "Guidelines Establishing Test Procedures for the Analysis of Pollutants," enumerated in 40 C.F.R. §§ 136.1 *et seq.* (1975), as amended; and/or any other procedures recognized by the U.S. Environmental Protection Agency and the State Department of Natural Resources.

NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMIT. A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to the Act, § 402, 33 U.S.C. §§ 1281 *et seq.*, as amended.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NORMAL DOMESTIC STRENGTH SEWAGE. Wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 250 milligrams per liter and an average daily BUD of not more than 200 milligrams per liter.

OBSOLESCENCE, FUNCTIONAL. The process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost-effective.

OBSOLESCENCE, PHYSICAL. The material deficiency of a functional element of a treatment plant to a point that repair as normal or preventive maintenance is not cost-benefit effective.

OIL, FLOATABLE. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.

PERSON. Any individual, firm, company, association, society, corporation or group discharging any wastewater to the wastewater treatment facility.

pH. The term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

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POLLUTANT, COMPATIBLE. BOD, suspended solids (SS), pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit, if the publicly owned treatment works was designed to treat such pollutants and, in fact, does remove them to a substantial degree.

POLLUTANT, INCOMPATIBLE. Any nontreatable waste product including nonbiodegradable dissolved solids.

PRETREATMENT. The treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works.

PROPERTY, PERSONAL. For the purpose of the user charge system, *PERSONAL PROPERTY* shall mean all equipment owned by the city, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic or electrical, or have movable parts.

PROPERTY, REAL. For the purpose of the user charge, *REAL PROPERTY* shall mean all fixed physical facilities owned by the city and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

PUMPING STATION. A station positioned in the public sewer system at which wastewater is pumped to a higher level.

RESERVE, REPLACEMENT. An account for the segregation of resources to meet capital consumption of personal or real property.

RESERVES, ACCRUED. A method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an ongoing, on-line waste treatment facility.

RETAINED AMOUNT. The amount of money held in trust and deposit for the expansion of the facilities, together with the interest earned thereon, for the proration of the industrial cost recovery system fund.

SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

SEWAGE, COMBINED. Wastes, including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

SEWAGE, INDUSTRIAL. A combination of liquid and water-carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, and shall include the wastes from pretreatment facilities and polluted cooling water.

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SEWAGE, SANITARY. The combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

SEWER COLLECTION. A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

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

SEWER, INTERCEPTOR. A sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

SEWER, PRIVATE. A sewer which is not owned by the city.

SEWER, PUBLIC. A sewer which is owned and controlled by the city and is separate from and does not include sewers owned by other governmental units.

SEWER, SANITARY. A sewer which carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions and to which storm, surface and groundwater are not intentionally admitted.

SEWER, STORM. A sewer that carries only stormwater, surface runoff, street wash and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

SHALL. The matter referred to is mandatory and not directory.

SLUG. Any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than 15 minutes more than 5 times the allowable concentration of flows during a normal working day (i.e., 1-, 2- or 3-shift operation) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

SOLIDS, DISSOLVED. That concentration of matter in the sewage consisting of colloidal particulate matter 1 micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

SUMMER QUARTER. The user's quarter starting in June, July or August and ending accordingly in August, September or October.

SUSPENDED SOLIDS (SS) or TOTAL SUSPENDED SOLIDS (TSS). Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids and is removable by laboratory filtration as prescribed in the *Standard Methods* enumerated above.

TOTAL SOLIDS. The sum of suspended and dissolved solids.

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TOXIC AMOUNT. Concentration of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standard issued pursuant to the Act, § 307(a), 33 U.S.C. §§ 1281 *et seq.* , as amended.

USEFUL LIFE. The anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption and physical and/or functional betterments, direct or indirect.

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

USER, COMMERCIAL. For the purpose of the user charge system, **COMMERCIAL USER** shall mean a user engaged in the purchase or sale of goods or in a transaction or business or who otherwise renders a service.

USER, DOMESTIC LEVEL OR RESIDENTIAL. For the purpose of the user charge system, domestic level user or residential user shall be a user whose premises or building is used primarily as a domicile for 1 or more persons and whose wastes originate from the normal living activities of its inhabitants.

USER, INDUSTRIAL. For **ICR** purposes: Per Federal Register, Vol. 43, No. 188, Sept. 27, 1978, quoted as follows:

(1) Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the *Standard Industrial Classification Manual* (1972), Office of Management and Budget, as amended and supplemented under 1 of the following divisions:

- (a) Division A. Agriculture, Forestry and Fishing;
- (b) Division B. Mining;
- (c) Division D. Manufacturing;
- (d) Division E. Transportation, Communications, Electric, Gas and Sanitary Services; and/or
- (e) Division I. Services.

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(2) In determining the amount of a user's discharge for purposes of industrial cost recovery, the grantee will exclude domestic wastes or discharges from sanitary conveniences.

(3) After applying the sanitary waste exclusion in division (2) above (if the grantee chooses to do so), discharges in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 **gpd** of sanitary waste are considered **INDUSTRIAL USERS**. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l **BOD** and 250 mg/l **SS**.

USER, INDUSTRIAL. For other than **ICR** purposes: Manufacturing activities involving the mechanical or chemical transformation of materials or substances into other products. These activities occurs in establishments usually described as plants, factories or mills characteristically using power driven machines or material handling equipment.

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

WASTEWATER TREATMENT WORKS. The structures, equipment and processes required to collect, transport and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

WATER, UNPOLLUTED. Water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if the water were discharged into navigable waters of the state. **UNPOLLUTED WATER** would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

WATERWORKS. All facilities for water supply, treatment, storage reservoirs, water lines and services and booster stations for obtaining, treating and distributing potable water.
(1989 Code, § 13.15(7))

Sewers

REVENUE

§ 52.20 ESTABLISHMENT OF USER CHARGE SYSTEM.

A user charge shall be assessed to all users by the city in accordance with the provisions of this chapter. The city shall recover from industrial users the Act, 33 U.S.C. §§ 1281 *et seq.*, as amended, federal construction grant amount allocable to the construction of facilities for treatment of wastes from such users by establishing and maintaining an industrial cost recovery system in accordance with the regulations promulgated by the U.S. Environmental Protection Agency.

(1989 Code, § 13.16(1))

§ 52.21 USER CHARGE SYSTEM; BUDGET AND CHARGES.

(A) Budget and appropriation. The Water and Sewer Committee of the Common Council shall annually prepare an estimate of the anticipated costs for each category of user charge, as outlined hereafter, for the forthcoming year. These estimates shall be in the form of a rate ordinance and shall be proposed to the Common Council for enactment prior to the enactment of the budget of the ensuing year.

(B) Operation and maintenance charges.

(1) Operation and maintenance costs shall be separated in accordance with their applicability to flow, BOD, TSS and monitoring sampling/analysis. The percentage breakdown shall be reviewed each year by the Water and Sewer Committee of the Common Council and approved by the Council.

(2) Operation and maintenance costs for flow, BOD and TSS are totaled for each. The unit charges for each are obtained by dividing the total costs by the previous year's total billable flow in 1,000 gallons, billable pounds of **BOD** and billable pounds of TSS. The monitoring unit charge is obtained by dividing the total monitoring sampling/analysis costs for each of industrial users by the number of samplings/analyses per year for that user class.

(C) Replacement charges.

(1) The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the city as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the City Engineer in cooperation with the city auditors, in accordance with experience of the city, federal guideline and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventative maintenance programs or repairs.

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(2) Yearly replacement costs for each piece of equipment shall be separated in accordance with their applicability to flow, BOD and TSS. This breakdown shall be reviewed annually by the City Engineer and approved by the Water and Sewer Committee of the Common Council.

(3) The yearly replacement costs attributable to flow, **BOD** and TSS shall be divided by the previous year's total billable flow in 1,000 gallons, billable pounds of **BOD** and billable pounds of TSS, respectively, and totaled to obtain unit replacement charges.

(D) Administrative and sampling charges.

(1) The total administrative and overhead costs associated with billing, collection and record keeping shall be determined by the Water and Sewer Committee of the Common Council and assessed against users.

(2) Industrial users shall be charged an additional amount to cover the cost of wastewater monitoring, proportionate to the number of samples and the unit sampling costs for their user class. This additional amount shall be determined as described in division (B)(2) of this section.

(E) Additional charges. Additional charges shall be billed, as required, for the following:

(1) Actual costs incurred for user-requested samplings and analyses;

(2) Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance;

(3) Actual costs incurred for special handling not provided for elsewhere in this chapter;

(4) Actual costs incurred for handling a user's check returned because of insufficient funds;

(5) Costs for administering the industrial cost recovery system;

(6) Costs for revenue bond amortization; and

(7) Each user which discharges toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the treatment works shall pay for the increased costs and toxics monitoring.

(1989 Code, § 13.16(2))

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§ 52.22 WASTEWATER TREATMENT CHARGES.

(A) *All users.* The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance and replacement, using the unit charges from § 52.21(B) and (C), and user charges for billing and collection as described in § 52.21(D). The unit charges shall be applied to the user's billable flow, BOD and TSS, respectively.

(B) Industrial and commercial users.

(1) In addition to the basic wastewater treatment bill described in division (A) above, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in § 52.21(D).

(2) The city shall periodically sample and analyze wastes from selected users in each industrial and commercial user classification to determine the BOD and TSS strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the City Engineer as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the City Engineer as having special problems shall, if directed by the City Engineer, install at the industry's own cost, and in a structure located on the building service line, whatever sampling devices are required by the City Engineer to obtain exact information about the waste.

(C) *Additional charges.* Additional charges as described in § 52.21(E) shall, if required, be listed on the wastewater treatment bill.

(1989 Code, § 13.16(3))

§ 52.23 WASTEWATER TREATMENT BILL.

(A) *Bill period.* A bill shall be prepared and submitted to each user once every quarter.

(B) Delinquent bills.

(1) Any bill not paid 20 days after date of billing shall be declared delinquent and a past due notice issued to the billed party. The past due notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the past due notice. Additional past due notices containing their respective handling charges shall be issued, if necessary 8 weeks and 12 weeks after date of billing.

(2) Should a bill still be delinquent 120 days after the date of billing, the bill shall be referred to the City Attorney for collection under the terms and conditions of § 52.55(B).

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(3) Nonreceipt of any bill described in § 52.22 shall not release the user of liability for any of those charges. In any case where the user is responsible for the nonreceipt of the bill, the conditions herein described for late payment and penalties shall apply. In those instances where the city is responsible for the nonreceipt of the bill, the city may, at its discretion, grant the user an extension of the discount period and late payment conditions described herein.

(1989 Code, § 13.16(4))

§ 52.24 DEBT SERVICE.

General tax revenues shall continue to be collected for general obligation bond principal and interest payments and for public benefit funds and for any other purpose provided by law not related to the operation, maintenance and replacement of the waste treatment works.

(1989 Code, § 13.16(5))

§ 52.25 ACCOUNTING.

(A) User charges.

(1) *Money.* All user charge payments shall be placed in the general fund. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxics, handling and sampling, and other costs as outlined in § 52.21 of this chapter.

(2) *Expenditures.* Expenditures shall be made from the user charge monies by the city in accordance with the detailed annual budget and ordinances authorized by the Common Council.

(3) *Replacement reserve expenditures.* Expenditures from the accrued replacement reserve on facilities shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life of the present plant and not for plant expansion or additions.

(4) *Renewals.* Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

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(5) *Audit.* An audit shall be performed annually at the same time that the other books of account of the city are audited and in the same manner.

(B) Industrial cost recovery charges.

(1) *Monies.* All payments for industrial cost recovery shall be placed in the Industrial Cost Recovery Fund.

(2) *Disposition of industrial cost recovery fund.* Use of Industrial Cost Recovery Funds shall be in accordance with Federal Register, Vol. 43, No. 188, § 35.928-2, September 27, 1978, "Use of Industrial Cost Recovery Payments," which is quoted in its entirety as follows:

(a) The grantee shall use industrial cost recovery payments received from industrial users as follows:

1. The grantee shall return 50% of the amounts received from industrial users, together with any interest earned, to the U.S. Treasury annually.
2. The grantee shall retain 50% of the amount recovered from industrial users.

(i) A portion of the amounts which the grantee retains may be used to pay the incremental costs of administration of the industrial cost recovery system. The incremental costs of administration are costs reasonably attributable to the administration of the user charge system. The incremental costs shall be segregated from all other administrative costs of the grantee.

(ii) A minimum of 80% of the amounts the grantee retains after paying the incremental costs of administration, together with any interest earned, shall be used for the allowable costs (see § 35.940) of any expansion, upgrading or reconstruction of treatment works necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator before the commitment of the amounts retained for expansion, upgrading or reconstruction.

(iii) The remainder of the amounts retained by the grantee may be used as the grantee sees fit, except that they may not be used for construction of industrial pretreatment facilities or rebates to industrial users for costs incurred in complying with user charge or industrial cost recovery requirements.

(b) Pending the use of industrial cost recovery payments, as described in division (A) of this section, the grantee shall:

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1. Invest the amounts received in obligations of the U.S. Government or in obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or
2. Deposit the amounts received in accounts fully collateralized by obligations of the U.S. Government or any agency thereof.

(1989 Code, § 13.17)

SEWAGE COLLECTION AND TREATMENT REGULATIONS

§ 52.35 CONDITIONS FOR DISCHARGE INTO TREATMENT SYSTEM.

(A) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage or other liquid wastes that cannot be discharged into a receiving stream or disposal or in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.

(B) No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the city except as provided in § 52.38.

(C) No person shall place, deposit or discharge, or cause to be placed, deposited or discharged, upon public or privately owned property any wastewater within the corporate limits of the city unless done so within adequately sized holding facilities approved by all applicable federal, state and local agencies.

(D) No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid or gaseous waste unless through a connection approved under the terms of this chapter.

(E) No person shall discharge any sewage, waste or material, industrial waste or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the content of the wastes' discharge in accordance with applicable city, state and federal laws, ordinances and regulations.

(F) In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the city an approved National Pollutant Discharge Elimination System (NPDES) permit setting forth the effluent limits to be achieved by the pretreatment facilities and a schedule for achieving compliance with the limits by the required date. The NPDES permit shall be kept on file with the City Engineer and updated by such information as periodically required by the city, local, state and/or federal agencies.

Sewers

(G) Any person who owns property within the corporate limits of the city, which property is improved with 1 or more residences, houses, buildings or structures for or intended for human use, occupancy, employment or any other similar purpose whatever, and which property abuts on any street, alley or right-of-way in which there is located a sewer within 100 feet from the nearest property line shall, within 90 days after the sewer is in service, at his or her expense, install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this chapter; provided, however, that in the event compliance with this section causes economic hardship to the person, he or she may apply to the city for exemption. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this chapter shall be made only if the city determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

(H) Persons described in divisions (E) through (G) of this section shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line. (1989 Code, § 13.18(1)) Penalty, see § 52.99

§ 52.36 LIMITATIONS ON DISCHARGE.

(A) No person shall discharge or cause to be discharged any stormwater, groundwater, surface drainage or unpolluted industrial cooling waters to any sewer connected to the city's waste treatment plant. New connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited. Basement drainage entering the sewer at the time this chapter is adopted shall be permitted to continue, but no new connections emptying roof runoff or basement drainage into the sewer shall be permitted after the date of this chapter.

(B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the city's treatment plant:

- (1) Any liquid or vapor having a temperature higher than 150°F;
- (2) Any water or wastes which may contain more than 100 milligrams per liter of fat, oil grease or hexane extractable material, or substances which may solidify or become viscous at temperatures between 32°F and 150°F;
- (3) Gasoline, benzene, naphtha, fuel oil or other combustible, flammable or explosive liquid, solid or gas, of whatsoever kind or nature;
- (4) Any garbage that has not been properly shredded;
- (5) Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;

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(6) Any water or wastes having a pH lower than 6 or higher than 9, or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works;

(7) Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that could create any hazard in the receiving waters of the sewage treatment plant;

(8) Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written agreement with the city, which agreement may provide for special charges, payments or provisions for treating and testing equipment;

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance;

(10) Any amount of the following constituents exceeding that listed below:

<i>Material</i>	<i>mg/l</i>	<i>Material</i>	<i>mg/l</i>
Aluminum	800.0000	Fluorides	2.5000
Arsenic	0.2500	Iron Total	56.0000
Barium	2.0000	Lead	1.5000
Boron	1.0000	Manganese	1.0000
Cadmium	2.0000	Mercury	0.0005
Chlorides	700.0000	Nickel	6.7000
Chromium Total	21.8000	Phenols	0.3000
Chromium (Hexavalent)	3.6000	Selenium	1.0000
Copper	17.6000	Silver	0.1000
Cyanide	1.2000	Total Dissolved Solids	1,500.000
		Zinc	16.500

(11) Ammonia nitrogen in such an amount as would cause the city to be in noncompliance with regulations of the State Department of Natural Resources.

(C) No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed or required by the United States Environmental Protection Agency or the State Department of Natural Resources.

(1989 Code, § 13.18(2))

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§ 52.37 PRETREATMENT.

(A) Grease, oil and sand interceptors or retainers shall be installed by the user at its own expense when, in the opinion of the City Engineer, such are necessary for the proper handling of liquid wastes containing grease, oils or sand in excessive amounts, of any inflammable wastes, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the City Engineer.

(B) Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his or her own expense, and shall be kept in continuous and efficient operation at all times.

(C) In the event the city approves the admission of any materials into its sewers as set forth in § 52.36(B) and (D), the city shall direct the user causing admission of any such materials, at his or her own expense, to construct, install and operate such preliminary treatment plants and facilities as may be required in order to:

- (1) Reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight;
- (2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in § 52.36(B); and
- (3) Control the quantities and rates of discharge of the waters or wastes.

(D) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data and other information pertinent to its proposed operation and maintenance shall conform to all city, U.S. Environmental Protection Agency, State Department of Natural Resources and any other local, state or federal agency regulations, and unless written approval of the plans, specifications, technical operating data and sludge disposal has been obtained from U.S. Environmental Protection Agency, State Department of Natural Resources and any other local, state or federal agency having regulatory authority with respect thereto.

(E) All such preliminary treatment facilities as required by this chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby and at the user's expense.

(F) No provision contained in this subchapter shall be constructed to prevent or prohibit a separate or special contract or agreement between the city and any industrial user whereby industrial waste and material of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment therefor by the industrial user; provided, however, that the contract or agreement shall have the prior approval of the city; and also provided user charges and industrial cost recovery payments are proportional to costs of providing the service.

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(G) The city reserves the right to reject admission to the system of any waste harmful to the treatment of collection facilities or to the receiving stream.

(1989 Code, § 13.18(3))

§ 52.38 PRIVATE SEWAGE TREATMENT AND DISPOSAL.

(A) Where a public sewer is not available, as set forth in § 52.35, the building or structure shall be connected to a private sewer and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable city, county, state and federal laws and regulations.

(B) Within 90 days after a property served by a private sewer or disposal system as described in this section shall become subject to the terms and provisions of § 52.35(G), a direct connection shall be made to the public sewer according to the terms and provisions of this chapter, and all private sewers, disposal systems, septic tanks, cesspools and other appurtenances of such private sewer and disposal system shall be disconnected and abandoned and all openings, tanks or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

(C) The city shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

(D) No provisions of this subchapter shall be construed to provide lesser requirements for private sewers and disposal systems than are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

(1989 Code, § 13.18(4))

§ 52.39 SERVICE OF OUTLYING TERRITORY.

(A) The city, by proper resolution of the Common Council, shall have the right at its discretion, upon payments, terms and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the city's corporate limits. (EPA District V policy prohibits the city from using annexation as a requirement for sewer service.)

(B) In the event a contract is made pursuant to division (A) above, a user of any sewer serving property wholly or partly outside the city's corporate limits shall be subject to all of the terms and provisions of this chapter and, in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges and expenses as would be imposed upon and paid by a user situated within the corporate limits of the city.

(C) If any property of a person desirous of becoming a user is situated outside the city and not contiguous thereto so that it may not properly be annexed to and become part of the city, the city, at its discretion, may permit such a connection, provided that a contract providing essentially the following be entered into between the city and the user:

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- (1) The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances and regulations of the city and local, state and federal governments;
- (2) The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user and treatment or service charges which are applicable to all property and users uniformly;
- (3) The user, his or her successors and assigns shall, in addition to costs noted previously, pay annually an amount equivalent to city taxes computed in the manner following:
 - (a) The equalized assessed value of the user's taxable property, or of any subdivided part or separate tract thereof, as determined by the proper authorities of Iowa County, Wisconsin, shall be multiplied by that part or portion of the city's rate of tax upon real estate and personal property situated within its corporate area for the year when the tax rate is determined, as is attributable to the installation of its sewer facilities.
 - (b) The amount, when computed by the city, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within 30 days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of 9% per annum until paid.
 - (c) The amount computed for use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
 - (d) If the user, or any successor or assigns thereof, shall fail to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof, for which payment is not made shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the city treatment plant. The user shall have caused or required its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and hereby gave and granted the city an irrevocable easement for the purpose of going upon the same and disconnecting any such sewer if the producer, its successors or assigns, fails to disconnect promptly when such is required.
 - (e) In addition to the right of disconnection, city shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed or foreclosed and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.
 - (f) The city shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.

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(g) All amounts charged under this division are due and shall continue to be due hereunder, whether or not the sewer is disconnected and no sewer shall be reconnected until the city is paid in full for all amounts due it and, in addition, the city shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the city in escrow and will be returned upon satisfactory payment of amounts due the city for a period of 2 years.

(4) The city shall not, without its prior written consent and acceptance, have dedicated to it, or own, any sewer system installed within the property, and the producer, its successors and assigns, shall maintain the same at its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of the sewer system to another unit of government;

(5) Upon conveyance by the owner of all or any subdivided portion or tract of the property, the successor in title shall succeed to all rights and liabilities hereunder, and the owner shall have no future liability to the city thereunder in respect to the tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the Register of Deeds of Iowa County;

(6) In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the city by proper ordinance, the agreement executed pursuant to this division, as to the property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect;

(7) The agreement executed under this division shall be recorded in the office of the Register of Deeds of Iowa County, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions and to which any subsequent conveyance or assignment of the owner shall be subject;

(8) If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the city treatment plant; and

(9) The applicant for treatment service under an agreement pursuant to this division shall agree to assume user charges, industrial waste charges and capital surcharge, if applicable, and to obtain from the city the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

(1989 Code, § 13.18(5))

§ 52.40 DISCHARGE PERMITS.

(A) The city reserves the right to require a discharge permit from commercial or industrial users of the sewer and, if the city does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the city. Upon official notification from the city, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within 90 days from the date of the notification.

(B) Commercial and industrial classification codes set forth in the *Standard Industrial Classification Manual* (1987), as amended and supplemented, are adopted by the Common Council as the basis for the issuance of discharge permits for building connections to a sewer.

(C) (1) The application for a discharge permit shall be made on a form provided for that purpose by the city, and shall be fully completed under oath by the property owner, user or a duly authorized and knowledgeable officer, agent or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information as may be required by the Water and Sewer Committee of the Common Council.

(2) The City Engineer shall also have, at his or her discretion, the right to personally inspect the premises, equipment and material and laboratory testing facilities of the applicant.

(D) No fee shall be charged for a discharge application or permit.

(E) No discharge permit shall be issued by the city to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the City Engineer, is not in conformance with federal, state or city statutes, ordinances, rules and regulations, unless a waiver or variance of the standards and requirements is granted by the Water and Sewer Committee of the Common Council in the manner hereinafter set forth. The Water and Sewer Committee of the Common Council shall state in writing the reason or reasons for denial or requirement for waiver variance and the written communication shall be mailed or personally delivered to the applicant within 5 days after denial.

(F) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted the permit previously shall make a new application to the city in the same manner and form as originally made.

(G) If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the Water and Sewer Committee of the Common Council, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of division (E) of this section, and a waiver or variance is required, the user may have the entire Common Council review the denial or may request waiver variance, provided the user shall give written notice of his or her request within 30 days after receiving the denial. The entire Common Council shall review the permit application, the written denial and any other evidence and matters as the applicant and City Engineer shall present at its next regular meeting following receipt of request for its review, and the decision of the entire Common Council rendered publicly at the meeting shall be final.

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(H) Should any discharge of material to a sewer materially and substantially differ, in type and volume, than shown in the application and permit, the person and user shall immediately, upon order of the City Engineer, cease and desist from the discharge and shall also be subject to disconnection, fine and other penalties provided by this chapter.

(I) A grant of waiver or variance by the Common Council may set forth such conditions, exceptions, time limitations, durations and expirations as the Council deems necessary and proper. (1989 Code, § 13.18(6))

§ 52.41 CONSTRUCTION OF SEWERS AND CONNECTIONS FOR BUILDINGS.

(A) The construction of sewers and connections for buildings shall be made as required by the applicable ordinances of the city and by regulations of the Wisconsin Department of Natural Resources. Sanitary building drains and sanitary building sewers, together with all connections thereto, shall be constructed watertight to exclude all infiltration and inflow.

(B) A construction permit shall first be applied for and obtained from the city before a person, after the effective date of this chapter, can connect to any sewer located on properties within the corporate limits of the city or on properties outside the city where services have been contracted for with the city.

(C) Construction permits shall not be issued unless it has been determined by the city that there is capacity available in all downstream sewerage facilities. (1989 Code, § 13.18(7))

§ 52.42 REPORTING CRITERIA FOR NONRESIDENTIAL USERS.

(A) The city reserves the right to require any nonresidential user to submit quarterly to the city, on forms provided by the city, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the city or to any sewers connected to its treatment works. This statement shall be filed with the City Engineer no later than the tenth day of the month following the quarter for which the report is required. The City Engineer may require additional certified statements at any time if, in his or her judgment, the same shall be necessary to determine the source of materials which have been found in the city sewer.

(B) The waste characteristics to be measured and certified by the user shall be:

- (1) BOD in milligrams per liter;
- (2) Suspended solids in milligrams per liter; and
- (3) Such other constituents of wastewater as directed by the City Engineer.

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(C) Should there be a difference in understanding between the city and user as to the characteristics in this section, the city reserves the right to use the city results from analyses for purposes of billing. Should submission not be made during the 10-day period, the city shall use its results from analyses for purposes of billing.

(D) Whenever required by the city, the owner of any property serviced by a building sewer which carried nonresidential wastewater or material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications which have been submitted to and approved by the City Engineer. Such device shall be installed and maintained at all times at the user's expense. The device shall have ample room in each sampling chamber accurately to sample the wastewater effluent entering the sewer, and shall collect composite samples for analysis. The chamber shall be safely, easily and independently of other premises and buildings of the user accessible to authorized representatives of the city at all times. The city shall have exclusive access to the device, and no keys shall be in the possession of any user or agent of the user. Where construction of such a device is not economically or otherwise feasible, the City Engineer may approve alternate arrangements for sampling.

(E) Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the City Engineer that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the City Engineer is made in the metered water supply to determine the liquid waste quantity.

(F) Samples shall be taken periodically with such degree of frequency as the City Engineer shall, in his or her discretion, determine, and they shall be properly refrigerated and composited in proportion to the flow so as to present a representative 24-hour sample. Such sampling shall be done as prescribed by the City Engineer to ensure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include reevaluation during each 12-month period. The determination of representative quantities and characteristics shall include not less than 7 consecutive calendar days of 24-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

(G) The sampling frequency, sampling chamber, metering device, sampling methods and analyses of samples shall be subject, at any time, to inspection and verification by the City Engineer.

(H) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the *Standard Methods for the Examination of Water and Wastewater* (latest edition) or with any other method approved by the Water and Sewer Committee of the Common Council.

(I) The city may elect, at its option, to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to the City Engineer for analysis. This procedure can also be terminated at any time by the city upon reasonable notice.

(1989 Code, § 13.18(8))

Sewers

§ 52.43 SEPTIC HAULERS.

(A) Nonindustrial users hauling liquid wastes to the treatment plant shall be assessed user charge unit charges for billable flow, billable BOD and billable TSS, the volume of which is determined for each by the City Engineer.

(B) Industrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in § 52.42(A) through (C), and shall be assessed industrial cost recovery unit charges on the billable flow, actual BOD and actual TSS as described in division (A) above.

(C) Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in § 52.36 shall not be accepted.
(1989 Code, § 13.18(9))

FEES AND CHARGES

§ 52.55 SEWER CONNECTION CHARGES.

(A) Fixed charge rate per quarter by meter size:

<i>Water Meter Size</i>	<i>Quarterly Charge</i>
5/8-inch	\$40.00
3/4-inch	\$40.00
1-inch	\$90.00
1-1/4-inch	\$128.00
1-1/2-inch	\$160.00
2-inch	\$270.00
3-inch	\$450.00
4-inch	\$560.00
6-inch	\$1,475.00

(B) Sewer volume charge per 100 cubic feet of water sold: \$6.30 per 100 cubic feet.

(C) The new rates apply to water/sewer bills starting November 1, 2007.
(1989 Code, § 13.20) (Ord. 431, passed --; Am. Ord. 523, passed 7-5-1994; Am. Ord. 531, passed 9-6-1994; Am. Ord. 631, passed 7-2-2002; Am. Ord. 726, passed 5-6-2008)

§ 52.56 SEWAGE DISPOSAL REVENUE BONDS.

Sewage disposal revenue bonds have been issued by Ordinance #255 as amended by Ordinances #256, 284 and 298, and these ordinances are not repealed by this codification.
(1989 Code, § 13.19)

ENFORCEMENT

§ 52.65 ENFORCEMENT.

(A) Inspection rights. The City Engineer or his or her designated agent bearing proper credentials and identification shall be permitted upon proper notice to the land owner or in emergency circumstances, to enter, when necessary, upon all properties within the city, or outside the city, that have contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required, in the implementation and enforcement of the terms and provisions of this chapter.

(B) Liability during inspections. While performing the necessary work on private properties referred to in division (A) above, authorized employees of the city shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to city employees, and the city shall indemnify the user against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

(1989 Code, § 13.21)

§ 52.99 PENALTY.

(A) Violations of regulatory provisions.

(1) Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided in § 10.99 of this code.

(2) Any person who shall violate any provision of this chapter shall also be:

(a) Liable to the city for all costs, expenses, loss or damage, if any, incurred by the city as a result of such violation.

(b) Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred.

Sewers

(B) Nonpayment of bills.

(1) The city reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment, industrial cost recovery or capital surcharge bills become delinquent.

(2) All amounts continue to be due whether or not the sewer is disconnected, and no sewer shall be reconnected until the city is paid in full for all amounts due, including a deposit equal to an estimated amount of this charge for the next succeeding year. Such deposit shall be held by the city in escrow, and will be returned upon satisfactory payment of all bills for a period of 2 years.

(1989 Code, § 13.21)

(C) *Illegal sewer hookup.* For violations for illegal hookup to a sewer, any person, upon being convicted of such violation, shall pay a penalty of \$150.

(1989 Code, § 13.25) (Am. Ord. 584, passed 2-3-1998)