

## Chapter 98 UTILITIES\*

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**\*Cross references:** Water, sewer and electric rates, rules and regulations of sewer and water main construction saved from repeal, § 1-10(13); administration, ch. 2; buildings and building regulations, ch. 14; businesses, ch. 18; health and welfare, ch. 42; mobile homes, ch. 54; planning, ch. 66; public nuisances, ch. 70; solid waste, ch. 78; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; tree regulations with regard to utilities, § 102-69.

**State law references:** Authority regarding utilities generally, Wis. Stats. § 197.01 et seq.; regulation of public utilities generally, Wis. Stats. § 196.01 et seq.

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## **ARTICLE I. IN GENERAL**

### **Sec. 98-1. Utility service beyond city limits.**

- (a) *Extensions prohibited.* No sewer or water services maintained, owned or operated by the city shall be extended or connected outside the city limits except to premises or installations that are city-owned or operated.
- (b) *Exceptions.* This section shall not interfere with or abrogate the rights of any users of record connected to the municipal sewer or water services outside the city limits on the date of adoption of the ordinance from which this section is derived.

(Code 1983, § 13.03)

### **Sec. 98-2. Cost paid by owner.**

The developer is responsible for 100 percent of the cost to have an on-site inspector, selected by the city, to observe the construction and installation of all infrastructure.

(Ord. No. OR98-02, § II(13.12(1)(b)(4)), 1-12-1998)

### **Sec. 98-3. Laterals for each premises.**

No sewer or water service laterals shall be connected or installed from the sewer or water mains to service more than one residential unit. Each duplex living unit, side-by-side housing structures, commercial, industrial or agricultural units, and each such unit serviced shall be separately metered. When a multi-unit building with more than four living units is constructed, a mechanical or storage room shall be provided to facilitate access to water shutoffs to each living unit.

(Ord. No. OR98-13, § I, 5-26-1998)

#### **Sec. 98-4. Compulsory connection to sewer and water.**

- (a) *When required.* Whenever a premises used or intended to be used for human occupancy is serviced by a private water or sewage system and when a public water or public sewer system, as applicable, become available to such premises, the use of the private water or sewage system shall be discontinued. The city administrator shall notify the owner or his/her agent in writing or by registered mail addressed to the last known address of the owner or his/her agent that the use of the private water or sewer system shall be discontinued within the time required under subsection (b) below. The private water or sewer system, as applicable, servicing the premises shall be disconnected and be connected to the public water or sewer system, as applicable.
- (b) *Contents of notice.* The notice required by this section shall direct the owner or his/her agent to connect the premises to such mains in the manner prescribed by the city and to install such facilities and fixtures as may be reasonably necessary. Connection to a public water or sewage system, as applicable, shall be required within 365 days of notice in writing from the city administrator, or if the property is sold within 365 days of notice. In addition, the notice shall include mandatory abandonment of any existing on site private sewer system as per COMM 83.33 and well abandonment as per NR 812.26 unless otherwise permitted by article IV of this chapter. All costs or expenses incident to the connection of sewer and water shall be borne by the property owner making the connection.
- (c) *Penalty for non-compliance.* If the owner or his/her agent fails to comply within 365 days of written notice, the city administrator may cause required work to be completed and all expenses thereof shall be assessed as a special tax against the property.
- (d) *Optional penalty.* In lieu of (c), the city at its option may impose a penalty to any owner failing to complete the required work for that period that the violation continues after the 365 days' written notice until such time the required work is completed. The amount of the penalty shall be 150 percent of the average quarterly residential sewer and water bill and shall be billed quarterly and prorated for each day the violation continues. Failure to make sure payment shall result in a special assessment as a special tax against the property.
- (e) *Payment option.* If the city administrator causes connection at the expense of the owner, the owner or his/her agent may, make one lump sum payment due by October 30 of each year or one installment if the assessment is \$200.00 or less, or three equal annual installments if the assessment is greater than \$200.00. Deferred payments will bear an interest rate of one percent above the city's borrowing rate on the unpaid

balance. Any overdue balance may be levied as a tax as provided in Wis. Stat. 66.069.  
(Ord. No. OR04-01, § 1, 3-22-2004)

Secs. 98-5--98-30. Reserved.

## **ARTICLE II. BOARD OF PUBLIC WORKS\***

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**\*Cross references:** Administration, ch. 2.

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### **Sec. 98-31. How constituted.**

The councilmembers of the city shall constitute the board of public works.  
(Code 1983, § 1.31(1))

### **Sec. 98-32. Duties.**

The board of public works shall perform such duties as are prescribed in Wis. Stats. ch. 62 and such other duties as the council shall impose.  
(Code 1983, § 1.31(2))

Secs. 98-33--98-55. Reserved.

## **ARTICLE III. WATER UTILITY\***

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**\*State law references:** Authority regarding utilities generally, Wis. Stats. § 66.065.

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## **DIVISION 1. GENERALLY**

### **Sec. 98-56. Cross connection control.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Cross connection* means any physical connection or arrangement between two 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 two systems.

- (b) *Cross connections prohibited.* No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply or distribution system of the city unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the city and by the department of natural resources in accordance with Wis. Admin. Code § NR 111.25(3).
- (c) *Inspections authorized.* The utility manager 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 city council and as approved by the department of natural resources.
- (d) *Utility manager's right of entry.* Upon presentation of credentials, the utility manager 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, such representative shall obtain a special inspection warrant under Wis. Stats. § 66.122. 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 on such property.
- (e) *Discontinuance of water service after hearing.* The city is 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 subsection (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) *Immediate discontinuance of water service.* If it is determined by the city 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 ten days of such emergency discontinuance.
- (g) *Supplements plumbing codes.* This section does not supersede the state plumbing code and the city plumbing code, but is supplementary to them.

(Code 1983, § 13.10(1)--(6), (8))

### **Sec. 98-57. Public service commission rules adopted.**

The following provisions of Wis. Admin. Code ch. PSC 185 are adopted by reference and made a part of this section 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 section 1-17.

(Code 1983, § 13.11(1)(c))

**Sec. 98-58. Operating rules.**

All persons who make application for water supply shall be considered as having agreed to be bound by all rules and regulations as filed with the state public service commission.

(Code 1983, § 13.11(1)(b))

**Sec. 98-59. Applications for water service.**

Applications for water service shall be made to the utility manager by the owner of the premises to be served or by the occupant of the premises with the written consent of the owner. Applications shall set forth the purpose for which the water service is to be used.

(Code 1983, § 13.11(2))

**Sec. 98-60. Water leases; termination.**

- (a) No leases for water will be made for less than one year, except where water is used for purposes purely temporary and upon special terms.
- (b) A consumer desiring to discontinue the use of water shall give notice in writing on or before a water rent payment date to avoid a rental charge to the subsequent payment date.

(Code 1983, § 13.11(6))

**Sec. 98-61. Water meter regulations.**

- (a) *Connection or removal.* No person, unless authorized by the board of public works or the utility manager, shall connect, remove or disturb any water meter.
- (b) *Meter failure.* The amount to be charged for water service during a period a water meter fails to register shall be estimated and based on the average consumption during like periods.
- (c) *Cost of repairs.* The cost of repairing a meter damaged by carelessness or neglect by the owner or his agent or tenant, including damage by frost, hot water or steam, shall be reimbursed to the city by the consumer or the owner of the premises serviced.

(Code 1983, § 13.11(8)(a)--(c))

**Sec. 98-62. Disconnection fees.**

The city shall charge for shutting off the water or removing any water meter per public service commission requirements.

(Code 1983, § 13.11(8)(d))

### **Sec. 98-63. Water rates and collection.**

- (a) *Rates.* The rates for water for all classes and purposes, the method of collecting water rents and penalties for nonpayment of rents shall be in accordance with the rates, rules and regulations authorized and prescribed by the public service commission, which shall be kept on file at the office of the water department.
- (b) *Intermittent supplies.* Persons desiring water for cisterns, tanks or other intermittent supply shall be charged at regular rates; provided all expenses incurred in furnishing such service shall be paid by the applicant.

(Code 1983, § 13.11(9))

Secs. 98-64--98-76. Reserved.

## **DIVISION 2. RULES, REGULATIONS AND RATES\***

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\***State law references:** Charges generally, Wis. Stats. § 66.069.

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### **Sec. 98-77. Suspending water supply.**

The utility manager may suspend the use of fountains and hoses for sprinkling streets, yards, gardens and all other service whenever in his opinion the public safety requires it.

(Code 1983, § 13.11(10))

### **Sec. 98-78. Unauthorized use and damage to facilities.**

- (a) *Opening or tampering with hydrants, etc.* No person except a member of the board of public works, the fire chief, in case of fire or in drilling the members of the department, or authorized person shall open or tamper with any public or private hydrant, plug, drawcock, hose or any other attachment without first obtaining a permit and conforming to such conditions as the board of public works or the authorized person may impose.
- (b) *Damage prohibited.* No person shall damage the fire hydrants, valves or other parts of the waterworks of the city, or attempt to work on them without authority.
- (c) *Unlawful use.* No person shall supply water to a service pipe from which the supply has been turned off by the utility manager for nonpayment of water rates or for any other reason without first obtaining a permit.
- (d) *Obstructing prohibited.* No person shall place an obstruction that interferes with the use of any hydrant.

(Code 1983, § 13.11(5))

**Sec. 98-79. Repair of leaks; city not liable.**

- (a) The costs of repairing all breakage or leaks in the service pipe from the water meter to the service box shall be paid for by the owner of the premises serviced, his agent or tenant.
- (b) No claims shall be made against the city for breakage of any main pipe, service pipe or cock, or for an interruption of the supply of water because of the breakage of machinery or stoppage for necessary repairs.

(Code 1983, § 13.11(7))

**Sec. 98-80. Permit required for plumbing work.**

No person shall perform any plumbing work connected with any part of the city water system without first having obtained a permit from the plumbing inspector. The work performed under the permit shall be subject to the approval of the inspector and shall be in conformity with the state plumbing code.

(Code 1983, § 13.11(4))

**Sec. 98-81. Service pipe connections and extensions.**

- (a) *Connections.* No service pipe shall run from one lot to another on streets where water mains are laid. All water service pipe connections shall be made from the main in front of the premises or some point adjacent to it; except in the case of a corner lot, the water and sewer lateral may run from the main on either street.
- (b) *Pipe requirements.* Only state approved water service pipe will be permitted to be used.

(Code 1983, § 13.11(3)(a), (c))

**Sec. 98-82. Plumbing system; inspection; correction of defects.**

The owner of any building connected with the water mains may adopt such system of plumbing as he may see fit, provided it withstands a pressure of at least 300 pounds per square inch. Any plumbing system shall be subject to inspection by the inspector, who shall have free access to the premises connected at all reasonable hours for the purpose of ascertaining the condition and location of pipes and fixtures. In case of a defect in a service pipe or pipe beyond the service, the inspector or utility manager shall give notice in writing of such fact to be left at the premises; and the occupant shall be allowed 24 hours to repair the defect before the water shall be shut off.

(Code 1983, § 13.11(3)(b))

Secs. 98-83--98-95. Reserved.

**DIVISION 3. WATER UTILITY COMMISSION\***

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\*Cross references: Administration, ch. 2.

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**Sec. 98-96. Water utility commission--Appointment and terms.**

The water utility commission shall consist of seven members appointed by the mayor, subject to confirmation by the city council, for terms of seven years each and in such a manner so as to have the term of at least one but not more than two commissioners commence on October 1 of each year.

(Code 1983, § 13.01(1))

**Sec. 98-97. Same--Eligibility.**

No person shall be eligible for membership on the water utility commission or hold any office or position under its jurisdiction who directly or indirectly has a pecuniary interest in any contract for furnishing heat, light, water, power or other public service to or for the city, or who is a stockholder in any corporation so interested. Any such position or office shall immediately become vacant upon the holder's acquiring any such interest.

(Code 1983, § 13.01(2))

**Sec. 98-98. Same--Organization.**

Members of the water utility commission shall, on or before October 10 of each year, organize by choosing from among their members a president, vice-president and a secretary, who shall hold their respective offices until their successors are chosen and qualified.

(Code 1983, § 13.01(3))

**Sec. 98-99. Same--Duties of officers.**

- (a) *President.* The president of the water utility commission shall preside at all meetings and perform the duties appropriate to his office as the commission may direct.
- (b) *Vice-president.* The vice-president shall perform the duties of the president in his absence.
- (c) *Secretary.* The secretary of the commission shall keep accurate records of all proceedings of the commission, shall notify the commissioners of all meetings called by the president, and shall perform the necessary secretarial duties for the commission.
- (d) *Cashier.* The duties of cashier shall be performed by a cashier appointed by the commission. The cashier shall receive and issue receipts for all moneys derived from the operation of the public utility plant and businesses and shall deposit such money at least weekly. The cashier shall properly safeguard in a lawful manner all moneys in his possession and keep proper account of all moneys received and disbursed by him, and all financial transactions conducted by the commission. Such accounts shall be recorded in the manner and form prescribed by the public service commission and shall

be open to the public. The cashier shall give a surety bond for the honest and faithful performance of his duties in such amount and upon such conditions as the commission may from time to time direct, such bond to be executed by a surety company lawfully authorized to do business as such within the state or by such other sureties as the commission may approve. He shall perform such other duties as may be prescribed by law, by direction of the commission or by resolution of the city council.

- (e) *Salaries.* Commissioners may receive such salary or remuneration as provided by action of the council. Members of the commission shall be paid all necessary expenses incurred in performing their duties as commissioners.

(Code 1983, § 13.01(4))

### **Sec. 98-100. Same--Duties and powers.**

- (a) *Management.* The water utility commission shall have the entire charge, management and direction of any water utility property, plant, equipment and business owned by the city subject only to the general control and supervision of the council.
- (b) *Appoint: manager and employees.* The commission may appoint a manager and fix his compensation and may employ other employees and agents necessary to the conduct of its business and fix their compensation.
- (c) *Services of other officials.* The commissioners may command the services of the city engineer and may employ and fix the compensation of such subordinates as shall be necessary. They may make rules for their own proceedings and for the government of their department. They shall keep books on account, in the manner and form prescribed by the department of transportation or public service commission, which shall be open to the public.
- (d) *Audit of expenditures.* It may be provided that departmental expenditures be audited by the commission, and if approved by the president and secretary of the commission, be paid by the city clerk/treasurer as provided by Wis. Stats. § 66.042; that the utility receipts be paid to a bonded cashier or cashiers appointed by the commission, to be turned over to the city clerk/treasurer at least once a month; and that the commission have such general powers in the construction, extension, improvement and operation of the utility as shall be designated. Where water mains have been installed or extended and the cost has been in some instances assessed against the abutting owners and in other instances paid by the city, it may be provided by the city council that all persons who paid any such assessment against any lot or parcel of land may be reimbursed the amount of such assessment regardless of when such assessment was made or paid. Such reimbursement may be made from such funds or earnings of the utility or from such funds of the city as the city council determines.

(Code 1983, § 13.01(5))

**State law references:** Similar provisions, Wis. Stats. § 66.068(3).

### **Sec. 98-101. Construction and improvements.**

The water utility commission may construct, extend, improve, operate and maintain the

water utility but shall not incur any expenses in the construction, extension or improvement of the water utility exceeding \$5,000.00 without approval of the council. Such work shall be subject to the jurisdiction of the public service commission and further subject to the provisions of statute for expenditures exceeding \$1,000.00 with regard to any construction or public improvements. Utility construction work shall be under the immediate supervision of the council or the proper committee appointed for that purpose.

(Code 1983, § 13.01(5))

### **Sec. 98-102. Operating revenues.**

The revenues, moneys and funds belonging to or derived from the ownership and operation of the water utility property by the city shall be held, invested and disposed of in accordance with Wis. Stats. § 66.069(1), and other provisions of law.

(Code 1983, § 13.01(6))

Secs. 98-103--98-120. Reserved.

## **ARTICLE IV. PRIVATE WELLS**

### **DIVISION 1. GENERALLY**

#### **Sec. 98-121. Applicability.**

This article shall apply to all private wells, however constructed or utilized, from which subterranean waters or groundwaters are drawn, whether for consumption, irrigation or other purposes, and shall specifically include sand point wells, excepting that contractors may utilize sand pointing for construction purposes without meeting the registration or permit requirements under this article.

(Code 1983, § 13.13(8))

#### **Sec. 98-122. Private well registration and permit procedure; purpose.**

The city council finds and determines that private wells are a known pathway for the entrance of contaminants into groundwater aquifers that also supply the city's public water source and into the city's public water system if such private wells are interconnected. Contamination of the city's water supply would affect the health, safety and general welfare of city residents, particularly since contamination, once introduced, is extremely difficult to correct. Therefore it is necessary and in the public interest that all wells within the corporate limits of the city shall be effectively monitored and regulated as set forth.

(Code 1983, § 13.13(1))

#### **Sec. 98-123. Registration of wells.**

No well shall be constructed and installed, nor shall any existing well be maintained

unless the same are registered with the water utility commission and the city council by the owner of the property upon which the same are located and are in compliance with all the requirements of this article. Owners shall apply for well registration upon forms provided by the water utility commission, which shall include, at a minimum, the following information:

- (1) Specific location.
- (2) Age of well.
- (3) Depth of well.
- (4) Width of well.
- (5) Type of casing.
- (6) Depth of casing.
- (7) Intended use.

(Code 1983, § 13.13(2))

Secs. 98-124--98-140. Reserved.

## **DIVISION 2. PERMIT**

### **Sec. 98-141. Required.**

No well shall be constructed, installed or maintained unless a permit is issued by the water utility commission upon registration as required in section 98-123. Prior to issuance of a permit, the water utility commission shall cause water samples from the well to be tested for coliform bacteria or other substances of concern. If the water utility commission determines that the well construction is consistent with reasonable engineering and health standards, and that the water sample therefrom is not contaminated, the commission shall issue a permit for the well, subject to approval of the city council.

(Code 1983, § 13.13(3))

### **Sec. 98-142. Fee.**

Every person requesting a well permit shall pay a fee of \$25.00 plus the actual cost of the water sample test performed on the specific well for which the permit is sought. Such fee shall be payable upon issuance of the permit.

(Code 1983, § 13.13(4))

### **Sec. 98-143. Conditions.**

The right to construct, install or maintain a well as authorized by any permit under this division shall be expressly conditioned upon the owners and successors in interest agree that:

- (1) The owners shall permit the water utility commission or its designee access to the well for inspection and testing once every three years after issuance of the

permit.

- (2) No repair or modification of any well will be performed unless prior notification is given to the water utility commission, who shall be permitted reasonable opportunity for plan review and inspection.
- (3) The city shall have the right to cause water samples to be tested for coliform bacteria or other substances of concern after completion of such repairs or modifications.
- (4) The cost of any testing provided for in this section shall be paid by the owner upon invoice by the city.

(Code 1983, § 13.13(5))

#### **Sec. 98-144. Revocation; appeal.**

- (a) A permit issued in accordance with the provisions of this division shall be revoked by the water utility commission upon notice to the permittee that any of the following has occurred:
  - (1) The owner of any well has refused access to a well for testing.
  - (2) The owner of any well has neglected to pay for any tests authorized by section 98-141 or 98-143(a) within 30 days of billing or invoice.
  - (3) The test results demonstrate that the well is contaminated and does not meet reasonable health standards for potable water. However, the water utility commission shall order a second test prior to revoking any permit; and any order of revocation shall be based on the results of both tests.
  - (4) If the water utility commission determines that a well does not meet the standards of subsection (3), but is not being used for personal consumption and such use does not create an apparent health hazard, the commission may exempt such well from being in compliance with the provisions of subsection (3) provided the owner receives department of natural resources approval in writing, for the continued use of the well. However, the owner shall be required to place a notice near such well visible to the users thereof which states "this well is unsafe for drinking water."
- (b) Parties aggrieved by any permit revocation may appeal that decision to the board of public works by filing a written petition for review with the clerk/treasurer.

(Code 1983, § 13.13(6))

#### **Sec. 98-145. Abandonment of well.**

Upon revocation of any well permit in accordance with the provisions of this division, the water superintendent shall issue an order directing the property owner to permanently abandon the well in accordance with the methods for abandonment set forth in Wis. Admin. Code ch. NR 811.26. Failure to abandon any well after revocation of a permit is found to be a public nuisance, and the city may cause such well to be properly abandoned, and the cost

shall be borne by the owner of the affected property.

(Code 1983, § 13.13(7))

Secs. 98-146--98-160. Reserved.

### **DIVISION 3. NONCOMPLYING PRIVATE WELLS AND SYSTEMS**

#### **Sec. 98-161. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Municipal water system* means a system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in Wis. Admin. Code NR § 811.02(7) or a privately owned water utility serving any of the above.

*Noncomplying* means a well or pump installation that does not comply with the provisions of Wis. Admin. Code ch. NR 812 in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.

*Pump installation* means the pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets, and well seals or caps.

*Unsafe* means a well or pump installation that produces water that is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Wis. Admin. Code ch. NR 809 or 140, or for which a health advisory has been issued by the department of natural resources.

*Unused* means a well or pump installation that is not in use or does not have a functional pumping system.

*Well* means an excavation or opening into the ground made by digging, boring, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

*Well abandonment* means the filling and sealing of a well according to the provisions of Wis. Admin. Code ch. NR 812.

(Ord. No. 90-06, § 3, 1-14-1991)

**Cross references:** Definitions generally, § 1-2.

#### **Sec. 98-162. Purpose.**

The purpose of this division is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells, or

wells that may serve as conduits for contamination, or wells that may be illegally cross connected to the municipal water system, are properly abandoned.

(Ord. No. 90-06, § 1, 1-14-1991)

### **Sec. 98-163. Applicability.**

This division applies to all wells located on premises served by the city municipal water system.

(Ord. No. 90-06, § 2, 1-14-1991)

### **Sec. 98-164. Abandonment required.**

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of the ordinance from which this division is derived and Wis. Admin. Code ch. NR 812 by June 1, 1991, or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the city water utility commission.

(Ord. No. 90-06, § 4, 1-14-1991)

### **Sec. 98-165. Well operation permit.**

The water utility commission may grant a permit to a private well owner to operate a well for a period not to exceed five years providing the conditions of this division are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this division are met. The water utility commission may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the clerk/treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation meet or are upgraded to meet the requirements of Wis. Admin. Code ch. NR 812.
- (2) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells unless the department of natural resources approves, in writing, the continued use of the well.
- (3) There are no cross connections between the well and pump installation and the municipal water system.
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(Ord. No. 90-06, § 5, 1-14-1991)

### **Sec. 98-166. Abandonment procedures.**

- (a) All wells abandoned under the jurisdiction of this division shall be abandoned according to the procedures and methods of Wis. Admin. Code ch. NR 812. All debris, pump, piping, unsealed liners and any other obstructions that may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well shall notify the clerk/treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by the city administrator/public works director.
- (c) An abandonment report form, supplied by the department of natural resources, shall be submitted by the well owner to the clerk/treasurer and the department of natural resources within ten days of the completion of the well abandonment.

(Ord. No. 90-06, § 6, 1-14-1991)

### **Sec. 98-167. Penalties.**

Any well owner violating any provision of this division shall upon conviction be punished by forfeiture of not less than \$5.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this division for more than ten days after receiving written notice of the violation, the city may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property. Penalty provisions are detailed in section 1-17.

(Ord. No. 90-06, § 7, 1-14-1991)

## **ARTICLE V. SEWER UTILITY\***

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\***State law references:** Authority regarding sewerage generally, Wis. Stats. §§ 62.18, 66.076.

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## **DIVISION 1. GENERALLY**

### **Sec. 98-168. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Approving authority* means the utility commission or its duly authorized agent or representative.

*BOD (denoting biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20°C, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

*Building drain* means that part of the lowest horizontal piping of a drain system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

*Building sewer* means a sanitary sewer that begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.

*Category A* means those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD and phosphorous no greater than those listed in section 98-240(b).

*Category B* means those sanitary sewer users who discharge wastewater with concentrations of BOD, suspended solids and phosphorus in excess of those listed in section 98-240(c).

*Chlorine requirement* means the amount of chlorine, in mg/l, which must be added to sewage to produce a chlorine residual as specified in the state pollutant discharge elimination system (WPDES) permit.

*Combined sewer* means a sewer intended to receive both wastewater and stormwater or surface water.

*Compatible pollutants* means BOD, SS, phosphorous, ammonia, nitrogen, TKN, pH or fecal coliform bacteria, plus additional pollutants identified in the city's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

*Easement* means an acquired legal right for the specified use of land owned by others.

*Floatable oil* is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

*Ground garbage* means the residue from the preparation, cooling, dispensing, handling, storage and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch in any dimension.

*Incompatible pollutants* means wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.

*Industrial waste* means any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment. Such term includes any wastewater that is not sanitary sewage.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*Nitrogen* means ammonia nitrogen, expressed in mg/l of NH<sub>3</sub>N.

*Normal domestic strength wastewater* means wastewater with concentrations of BOD, SS and phosphorus no greater than those listed in section 98-240(b).

*Operation and maintenance costs* include all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and replacement costs, all as determined from time to time by the city.

*Person* means any and all persons, including any individual, firm, company, municipality or private corporation, association, society, institution, enterprise, governmental agency or other entity.

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

*Phosphorus* means total phosphorus and is expressed in mg/l of P (phosphorus).

*Public sewer* means any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

*Publicly owned treatment works (POTW)* means a treatment works, including any devices and systems used in the storage, treatment, recycling and reclamation of city sewage and industrial wastes. The system includes sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the city that owns and operates the facilities.

*Replacement costs* means expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.

*Sanitary sewage* means any combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities.

*Sanitary sewer* means a sewer that carries sewage or wastewater.

*Sewage* means the spent water of a person or community. The preferred term is "wastewater."

*Sewer* means a pipe or conduit that carries wastewater or drainage water.

*Sewer service charge* means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of the facilities.

*Sewer service charge system* has the same meaning as "User charge system" as referred to in Wis. Admin. Code NR 162.

*Slug* means any discharge of water or wastewater that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment facility.

*Standard Methods* means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

*State pollutant discharge elimination system (WPDES) permit* means a document issued by the state, which establishes effluent limitations and monitoring requirements for the city wastewater treatment facility.

*Storm sewer or drain* means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

*Suspended solids (SS)*, expressed in mg/l, means the total suspended matter that either floats on the surface of, or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in Standard Methods and referred to as nonfilterable residue.

*TKN (total Kjeldahl nitrogen)* means the sum of organic nitrogen and ammonia nitrogen.

*Unpolluted water* means water quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

*Wastewater* means the spent water of a community or person. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

*Wastewater collection facilities or wastewater collection system* means the structures and equipment required to collect and carry wastewater.

*Wastewater treatment facility* means an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.

(Code 1983, § 13.15; Ord. No. OR94-03, § 13.15, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 98-169. Disposal of septic tank sludge and holding tank sewage.**

No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area, public sewer or the sewerage treatment plant.

(Ord. No. OR94-03, § 13.20(6), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

Secs. 98-170--98-185. Reserved.

## **DIVISION 2. CONSTRUCTION AND CONNECTIONS**

### **Sec. 98-186. Work authorized.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or its appurtenances without first obtaining a written permit from the approving authority.

(Ord. No. OR94-03, § 13.23(1), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-187. Cost of sewer connection.**

All costs and expenses incident to the installation of the building sewer and connection to the wastewater collection facilities shall be borne by the person making the connection.

(Ord. No. OR94-03, § 13.23(2), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-188. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the approving authority, to meet all requirements for this article. The approving authority shall provide written verification of the examination and test.

(Ord. No. OR94-03, § 13.23(3), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-189. Materials and methods of construction.**

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the city's building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification of such provisions, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Ord. No. OR94-03, § 13.23(4), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-190. Building sewer grade.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by means approved in writing by the approving authority and discharged to the building sewer.

(Ord. No. OR94-03, § 13.23(5), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-191. Stormwater and groundwater drains.**

- (a) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to a sanitary sewer.
- (b) All existing downspout or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within 60 days of the date of an official written notice from the approving authority.

(Ord. No. OR94-03, § 13.23(6), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-192. New connections.**

New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection facilities and treatment facilities.

(Code 1983, § 13.16; Ord. No. OR94-03, § 13.16, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-193. Conformance to codes.**

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved in writing by the approving authority before installation.

(Ord. No. OR94-03, § 13.23(7), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-194. Connection inspection.**

The person making a connection to a public sewer shall notify the approving authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved in writing by the approving authority.

(Ord. No. OR94-03, § 13.23(8), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-195. Barricades; restoration.**

All excavations for the building sewer installation or otherwise, shall be reasonably guarded with barricades and lights to reasonably notify the public of the potential hazard that may be created by such excavation. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the approving

authority.

(Ord. No. OR94-03, § 13.23(9), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-196. Mini-storm sewers.**

- (a) *Request for installation.* Upon the request of a property owner or group of property owners for the installations of mini-storm sewer, the city council, in consultation with the city engineer will review the request and make a determination as to the necessity of the mini-storm sewer on a case-by-case basis.
- (b) *Installation.* Mini-storm sewer shall be installed in city right-of-way and shall be maintained by the city. The exact location of the mini-storm sewer may vary from project to project and shall be decided on by the city council on a case-by-case basis. Laterals shall be installed to a point one foot beyond the property line as part of the project. The laterals shall be four-inch diameter and at a depth dependent on the available depth of the existing storm sewer. The city shall locate the lateral at the time of construction. Property owners may request a change in the location by contacting the city engineer prior to construction of the storm lateral.
- (c) *Hook up.* The property owner is responsible to make the connection to the mini-storm lateral and install the lateral to the home. The connection shall be made within 60 days after notification from the city and in the presence of the building inspector. No access into a mini-storm sewer shall be allowed without assessment.
- (d) *Cost.* The property owner shall be assessed for a percentage of the total costs associated with the installation of the mini-storm sewer (design and construction costs) and lateral service on a front foot basis. The property owner shall be responsible for 50 percent of the total cost through a special assessment. A property owner will only be assessed for one side of a corner lot, that being the first side and with any project.

(Ord. No. OR96-08, § I, 11-25-1996)

Secs. 98-197--98-210. Reserved.

## **DIVISION 3. ADMINISTRATION AND ENFORCEMENT\***

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\***Cross references:** Administration, ch. 2.

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### **Subdivision I. In General**

#### **Sec. 98-211. Violations and penalties.**

- (a) *Public nuisance.* The violation of any provision of this article shall constitute a public nuisance as that term is defined in chapter 70 of this Code.

(b) *Abatement of nuisance.*

- (1) *No immediate danger.* If it is determined that a public nuisance has been created or is being maintained by a violation of the section referred to in subsection (a), but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same (identifying the nature of the violation) within a specified reasonable time. The offender shall, within the period of time stated in said notice, abate the nuisance and permanently cease all violations.
- (2) *Immediate danger.* If it is determined that a public nuisance caused by the violation of this article exists, and that there is great and immediate danger to public health, safety, peace, morals or decency, the common council, utility commission, city administrator and/or the chief of police may cause the same to immediately be abated, and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(Ord. No. OR94-03 § 13.24, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Sec. 98-212. Penalty for violation of article.**

Any person who violates any provisions of this article shall be subject to a penalty as provided in section 1-17 which section is, by this reference, made a part hereof as if fully set forth herein.

(Code 1983, §§ 13-21, 13-24; Ord. No. OR94-03, §§ 13.21(4), 13.24(1)--(3), (5), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Sec. 98-213. Right of entry, safety and identification.**

- (a) *Right of entry.* The approving authority or other duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this article.
- (b) *Safety.* While performing the necessary work on private premises referred to in subsection (a), the duly authorized municipal employees shall observe all safety rules applicable to the premises established by the owner or the occupant.
- (c) *Identification--Right to enter easements.* The approving authority or duly authorized employees of the city, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

(Ord. No. OR94-03, § 13.22, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

#### **Sec. 98-214. Accidental discharge.**

Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater treatment facility and/or receiving body of water shall, in addition to being fined, pay an amount to cover any damages, both values to be established by the approving authority.

(Ord. No. OR94-03, § 13.24(4), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

#### **Sec. 98-215. Liability to city for losses.**

Any person violating any provisions of this article shall, in addition to any penalty or fines elsewhere which may be assessed against him, become liable to the city for any expense, loss or damage occasioned by reason of such violation which the city may suffer as a result thereof.

(Ord. No. OR94-03, § 13.24(6), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

#### **Sec. 98-216. Enforcement of industrial provisions.**

- (a) *Notification of violation.* Whenever the POTW finds that any industrial user has violated or is violating this article, or a wastewater permit or order issued hereunder, the approving authority or his agent may serve upon said user written notice of the violation. Within ten days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted in writing to the approving authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
- (b) *Civil penalties.*
  - (1) Any industrial user who has violated or continues to violate this article or any order or permit issued hereunder, shall be liable to the POTW for a civil penalty of not more than (maximum allowable under State law, e.g., \$10,000.00 but at least \$1,000.00), plus actual damages incurred by the POTW per violation per day for as long as the violation continues in addition to fines elsewhere. In addition to the above described penalty and damages, the POTW may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.
  - (2) The approving authority may petition the court to impose, assess, and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit

gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

(Ord. No. OR94-03, § 13.24(7), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-217. Appeals.**

- (a) Any user, permit applicant or permit holder affected by a decision, action or determination, including cease and desist orders, made by the approving authority interpreting or implementing the provisions of this article or any permit issued under this article may file with the approving authority a written request for reconsideration within ten days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The approving authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of such request. If the ruling on the request for reconsideration made by the approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the common council.
- (b) The written appeal shall be heard by the common council within 30 days from the date of filing. The common council shall make a final ruling on the appeal within ten days from the date of hearing.

(Code 1983, § 13.25; Ord. No. OR94-03, § 13.25, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-218. Audit, notification and records.**

- (a) *Biennial audit.* The city shall review, at least every two years, the wastewater contribution of its sewer users; the operation, maintenance and replacement expenses of the wastewater treatment facilities; and the sewer service charge system. Based upon this review, the city shall revise the sewer service charge system, if necessary, to accomplish the following:
  - (1) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based upon the wastewater volume and pollutant loadings discharged by the users.
  - (2) Generate sufficient revenue to pay the debt service costs and the total operation and maintenance costs necessary to provide for the proper operation and maintenance (including replacement) of the treatment works.
  - (3) Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.
- (b) *Records.* The city shall maintain records regarding wastewater flows and loadings, costs of the wastewater treatment facilities, sampling programs and other information necessary to document compliance with 40 C.F.R. 35, subpart E, of the Clean Water

Act.

(Code 1983, § 13.27; Ord. No. OR94-03, § 13.27(1), (3), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-219. Operating revenues.**

The revenues, moneys and funds belonging to or derived from the ownership and operation of the utility property by the city shall be held, invested and disposed of in accordance with Wis. Stats. § 66.069(1) and other provisions of law.

(Code 1983, § 13.02(6))

### **Sec. 98-220. Validity.**

- (a) *Superseding previous ordinances.* This article governing sewer use, industrial wastewater discharges, sewer service charges and sewer connections and construction shall supersede all previous ordinances of the city.
- (b) *Invalidation clause.* Invalidity of any section, clause, sentence or provision in the article shall not affect the validity of any other section, clause, sentence or provision of this article which can be given effect without such invalid part or parts.
- (c) *Amendment.* The city, through its duly authorized officers, reserves the right to amend this article in part or in whole whenever it may deem necessary.

(Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

Secs. 98-221--98-235. Reserved.

## **Subdivision II. Fees and Charges\***

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\***State law references:** Fees and charges generally, Wis. Stats. § 66.069.

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### **Sec. 98-236. Annual notification.**

The city shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses and debt service costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular bill.

(Ord. No. OR94-03, § 13.27(2), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-237. Charges.**

Each discharger shall be billed per the unit cost categories in section 98-240. Each

discharger of contaminated groundwater will also be assessed an annual administrative fee of \$500.00.

(Ord. No. OR94-03, § 13.18(2)(f), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-238. Billing practice.**

- (a) *Calculation of user charges.* User charges shall be computed according to the rates and formula presented in this article and in the current sewer service charge system.
- (b) *User charge billing period.* User charges shall be billed by the city to the sewer users on a quarterly basis.
- (c) *Payment of sewer service charges.* Those persons billed by the city for the sewer service charges shall pay such charges within 20 days after the billing date.
- (d) *Penalties.* Such sewer service charges levied by the city against the sewer users in accordance with this article shall be a debt due to the city and shall be a lien upon the property. In addition, such user shall be subject to a termination of water and sewer services. If this debt is not paid within 30 days after it is due, it may be deemed delinquent and may be placed, together with such penalties as provided by statute, in the next year's tax roll and be collected as other taxes are collected.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Ord. No. OR94-03, § 13.21(1)--(3), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000; Ord. No. OR04-07, § 1, 9-27-2004)

### **Sec. 98-239. Basis for sewer service charges.**

- (a) *Sewer users served by water utility water meters.* There is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the water utility a sewer service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.
- (b) *Sewer users served by sources other than water utility.* If any person discharging wastewater into the public sanitary sewers procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the sanitary sewer, the person shall have water meters installed by the water utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, new water meters will not be required. The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter. The water utility will charge for each meter a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.
- (c) *Deduct meters.* If a user feels that a significant amount of metered water does not

reach the sanitary sewer, the user may avail himself of one of the following options:

- (1) He may request the approving authority to have such additional meters or metered services installed as are necessary to calculate the volume of water not discharged to the sanitary sewer (i.e., a deduct meter); or, he may request the approving authority to have a meter installed to measure the actual amount of sewage discharged to the sanitary sewer (i.e., a sewage meter). Requests for a second meter or metered services must be made in writing to the approving authority. If the approving authority agrees to such installations, the customer shall be charged all costs attendant thereto, including but not limited to:
  - a. A meter yoke for each meter (to be installed by a licensed plumber);
  - b. Meter rental (the meter will be owned by the city and subject to access and inspection by city personnel at all reasonable times) in an amount set annually by the approving authority;
  - c. Remote reading devices if necessary; and
  - d. Labor and miscellaneous parts and supplies.

Water from any deduct meter routed to the customer's general distribution system shall be metered through a meter owned by the user. The approving authority shall have the right to inspect the meter and distribution system at any time, and shall periodically calibrate the meter, assessing all costs for the calibration to the customer. In addition to the general penalties set forth in sections 98-211 and 98-212, any violation of this section will result in nullification of the deduct readings and removal of the deduct meter.

- (2) In the event it is physically impractical or impossible to install metering equipment, he may request in writing that the approving authority to take such means as it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system, or, conversely, the amount of actual sewage discharged thereto. The response from the approving authority shall be provided in writing.

Neither of the options set forth in this subsection shall be applicable or available to customers for reasons that are attendant to use of water for the filling of pools or watering of lawns and outdoor greenery. Such seasonal use of water (that does not reach the sewer system) has been figured into the rates for the third quarter.

(Code 1983, § 13.19; Ord. No. OR94-03, § 13.19, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-240. Amount of sewer service charges.**

- (a) *Sewer service charge unit costs.* The unit costs for the sewer service charge shall be as defined in the current sewer service charge system.
- (b) *Category "A" sewer service charge.* The sewer service charge for Category "A" sewer users with normal domestic strength wastewater shall be as defined in the current sewer service charge system.

- (c) *Category "B" sewer service charge.* The sewer service charge for Category "B" sewer users shall be as defined in the current sewer service charge system.

The category "B" sewer service, computed on sampling results shall be in accordance with the formula presented below:

$$T = FQ + (V \times C_V) + 0.00834 V (B \times C_B + S \times C_S + P \times C_P)$$

Where:

TABLE INSET:

T	= Total sewer service charge
FQ	= Fixed quarterly charge
B	= Concentration of BOD in mg/l in the wastewater above 158 mg/l
S	= Concentration of SS in mg/l in the wastewater above 163 mg/l
P	= Concentration of P in mg/l in the wastewater above 5.3 mg/l
V	= Wastewater volume in 1,000 gallons
C <sub>V</sub>	= Cost per 1,000 gallons
C <sub>B</sub>	= Cost per pound of BOD
C <sub>S</sub>	= Cost per pound of SS
C <sub>P</sub>	= Cost per pound of P
0.00834	= Conversion factor

(The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD, SS or P.)

"Domestic strength wastewater" shall be as defined in the current sewer service charge system.

- (d) *Third quarter residential rates.* Unless otherwise determined by the approving authority, the residential sewer service charge (including both debt charge and user charge) for residential users for the third quarter of each year shall not exceed the service charge of the second quarter of each year, except for those new residential users who have no prior second quarter charge, in which event such charge shall be the minimum charge (based upon minimum usage of 5,000 gallons per quarter).
- (e) *Reassignment of sewer users.* The approving authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs or other related information indicate a change of categories is necessary.
- (f) *Operation, maintenance and replacement fund accounts.* All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater facilities.

- (g) *Fees for industrial monitoring.* The POTW may adopt charges and fees which may include:
- (1) Fees for reimbursement of costs of setting up and operating the POTW pretreatment program;
  - (2) Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the industrial user;
  - (3) Fees for reviewing accidental discharge procedures and construction;
  - (4) Fees for permit applications including the cost of processing such applications;
  - (5) Fees for filing appeals;
  - (6) Other fees as the POTW may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the POTW.

(Code 1983, § 13.20; Ord. No. OR94-03, § 13.20(1)--(5), (7), (8), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-241. Third quarter residential rates.**

Unless otherwise determined by the approving authority, the residential sewer service charge (including both debt charge and user charge) for residential users for the third quarter of each year shall not exceed the service charge of the second quarter of each year, except for those new residential users who have no prior second quarter charge, in which event such charge shall be the minimum charge (based upon minimum usage of 5,000 gallons) as set forth in this subdivision.

(Ord. No. 406, § I, 5-9-1983)

Secs. 98-242--98-265. Reserved.

### **Subdivision III. Sewerage Utility Commission\***

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\*Cross references: Administration, ch. 2.

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### **Sec. 98-266. Appointment and terms.**

The sewerage utility commission shall consist of seven members appointed by the mayor, subject to confirmation by the city council, for terms of five years each and in such a manner so as to have the term of at least one commissioner commence on October 1 of each year, except that the terms of commissioners first elected shall expire successively on each year on each succeeding October 1.

(Code 1983, § 13.02(1))

**Sec. 98-267. Eligibility.**

No person shall be eligible for membership on the sewerage utility commission or hold any office or position under its jurisdiction who directly or indirectly has a pecuniary interest in any contract for furnishing heat, light, water power or other public service to or for the city, or who is a stockholder in any corporation so interested. Any such position or office shall immediately become vacant upon the holder's acquiring any such interest.

(Code 1983, § 13.02(2))

**Sec. 98-268. Organization.**

Members of the sewerage utility commission shall, on or before October 10 of each year, organize by choosing from among their members a president, vice-president and a secretary, who shall hold their respective offices until their successors are chosen and qualified.

(Code 1983, § 13.02(3))

**Sec. 98-269. Duties of officers.**

- (a) *President.* The president of the sewerage utility commission shall preside at all meetings and perform the duties appropriate to his office as the commission may direct.
- (b) *Vice-president.* The vice-president shall perform the duties of the president in his absence.
- (c) *Secretary.* The secretary of the commission shall keep accurate records of all proceedings of the commission, shall notify the commissioners of all meetings called by the president, and shall perform the necessary secretarial duties for the commission.
- (d) *Cashier.* The duties of cashier shall be performed by a cashier appointed by the commission. The cashier shall receive and issue receipts for all moneys derived from the operation of the sewerage plant, sewerage system and businesses and shall deposit such money at least once each month with the clerk/treasurer, who shall disburse the same only upon order, warrant and check signed by the president and secretary of the commission, after audit of the expenditure. The cashier shall properly safeguard in lawful manner all moneys in his possession and keep proper account of all moneys received and disbursed by him, and all financial transactions conducted by the commission. Such accounts shall be recorded in the manner and form prescribed by the public service commission and shall be open to the public. The cashier shall give a surety bond for the honest and faithful performance of his duties in such amount and upon such conditions as the commission may from time to time direct, such bond to be executed by a surety company lawfully authorized to do business as such within the state or by such other sureties as the commission may approve. He shall perform such other duties as may be prescribed by law, by direction of the commission or by resolution of the city council.

- (e) *Salaries.* Commissioners may receive such salary or remuneration as provided by action of the council. Members of the commission shall be paid all necessary expenses incurred in performing their duties as commissioners.

(Code 1983, § 13.02(4))

### **Sec. 98-270. Duties and powers.**

- (a) *Management.* The sewerage utility commission shall have the entire charge, management and direction of all sewerage utility property, plant, equipment and business owned by the city, subject only to the general control and supervision of the council.
- (b) *Appoint manager and employees.* The commission may appoint a manager and fix his compensation and may employ other employees and agents necessary to the conduct of its business and fix their compensation.
- (c) *Services of other officials.* The commission, when necessary, may utilize the services of the city engineer, city attorney and other officials and employees upon such basis as shall be mutually agreed to or as determined by the council. In such cases the general fund shall be reimbursed by the commission for the cost of such services.
- (d) *Construction and improvements.* The commission may construct, extend, improve, operate and maintain the sewerage utility but shall not incur any expenses in the construction, extension or improvement of such utility exceeding \$5,000.00 without approval of the council. Such work shall be subject to the immediate supervision of the council or the proper committee appointed for that purpose, and further subject to the provisions of statute for expenditures exceeding \$5,000.00 with regard to any construction or public improvements.

(Code 1983, § 13.02(5))

Secs. 98-271--98-295. Reserved.

## **DIVISION 4. PROHIBITED DISCHARGES**

### **Sec. 98-296. Sanitary sewers.**

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(Ord. No. OR94-03, § 13.16(1), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-297. Storm sewers.**

Stormwater and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by

the approving authority and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged, on approval of the approving authority and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.

(Ord. No. OR94-03, § 13.16(2), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-298. Prohibitions and limitations.**

Except as otherwise provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, or any waste stream with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 C.F. R. 261.21.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
- (3) Any waters or wastes having a pH lower than 5.0, or in excess of 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection facilities and/or treatment facilities.
- (4) Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater treatment facilities, such as but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (5) The following described substances, materials, waters or wastes shall be limited in discharges to sanitary sewer systems to concentrations or quantities that will not harm either the sanitary sewers, wastewater treatment process or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property or constitute a nuisance. The approving authority may set limitations more stringent than those established in subsections a.--k. if such more stringent limitations are necessary to meet these objectives. The approving authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:
  - a. Wastewater having a temperature higher than 150°F (65 °C).
  - b. Wastewater containing more than 25 mg/l of petroleum oil,

nonbiodegradable cutting oils or products of mineral oil origin.

- c. Wastewater from industrial plants containing floatable oils, fat or grease.
- d. Any unground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, cadmium, cyanide, lead, mercury, molybdenum, nickel, selenium, silver, zinc, or other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.
- f. Any waters or wastes containing odor-producing substances exceeding limits that may be established by the approving authority or limits established by any federal or state statute, rule or regulation.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with applicable state or federal regulations.
- h. Any waters or wastes containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- i. Any water or wastes that, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids, or create a condition deleterious to structures and treatment processes.
- j. Materials that exert or cause:
  - 1. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  - 2. Unusual volume of flow or concentration of wastes constituting slugs.
  - 3. Unusual concentrations of inert suspended solids (such as but not limited to fuller's earth, lime slurries and lime residues) or of dissolved solids (such as but not limited to sodium sulfate).
  - 4. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).
- k. Incompatible pollutants in excess of the allowed limits as determined by local, state and federal laws and regulations by the Environmental Protection Agency (EPA), 40 C.F.R. 403, as amended from time to time.

(Ord. No. OR94-03, § 13.16(3), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Sec. 98-299. WPDES permit.**

No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the city's WPDES permit and any modifications of the permit.

(Ord. No. OR94-03, § 13.16(4), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Sec. 98-300. Special arrangements.**

No statement contained in this article shall be construed as prohibiting any special written agreement between the approval authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the city without recompense by the person; and further provided that all rates and provisions set forth in this article are recognized and adhered to.

(Ord. No. OR94-03, § 13.16(5), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

Secs. 98-301--98-320. Reserved.

**DIVISION 5. INDUSTRIAL DISCHARGES**

**Sec. 98-321. Submission of basic data.**

The approving authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the approving authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the approving authority may require that this report be prepared prior to making the connection to the public sewers.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(1), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

**Sec. 98-322. Action by approving authority.**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in this article, and which in the judgment of the approving authority may have a deleterious effect upon the wastewater treatment facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or health or constitute a public nuisance, the approving authority may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(2), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-323. Dilution prohibition.**

No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any pretreatment standard or requirement.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(3), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-324. Spill prevention and slug control plans.**

(a) *Protection.*

- (1) Industrial users shall provide protection from accidental discharge of materials that may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the POTW before construction of the facility.
- (2) Industrial users that store hazardous substances shall not contribute to the POTW after the effective date of the ordinance from which this article is derived unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage and transportation of hazardous substances.

(b) *Education.* The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under this chapter, with procedures for follow-up written notification within five days;

- (3) If necessary, procedures to prevent adverse impact from accidental spills, including:
  - a. Inspection and maintenance of storage areas;
  - b. Handling and transfer of materials;
  - c. Loading and unloading operations;
  - d. Control of plant site runoff;
  - e. Worker training;
  - f. Building of containment structures or equipment;
  - g. Measures for containing toxic organic pollutants (including solvents); and/or
  - h. Measures and equipment for emergency response.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(4), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-325. Notification.**

(a) *Required.*

- (1) In the case of any discharge in violation of this article or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug loadings, the industrial user shall immediately notify the POTW or the city clerk/treasurer of the discharge or discharges by telephone. The notification shall include:
  - a. The date, time, location and duration of the discharge;
  - b. The type of waste, including concentration and volume; and
  - c. Any corrective actions taken by the user.
- (2) Within five days following such a discharge, the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.
- (3) Such notification shall not relieve the user of any expense, loss, damage or other liability resulting from the discharge; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed under this article or other applicable state or federal law.

(b) *Notification of changed discharge.* All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 C.F.R. 403.12(p).

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(5), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-326. Employee training.**

The industrial user shall permanently post a notice in a prominent place advising all employees to call the POTW or the city administrator in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(6), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-327. Records.**

- (a) Users shall retain and make available upon request of authorized representatives of the POTW, the state or the EPA all records required to be collected by the user pursuant to this article or any permit or order issued pursuant to this article.
- (b) These records shall remain available for a period of at least seven years after their collection.
- (c) This period shall be extended during any litigation concerning compliance with this article or permit conditions.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(7), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-328. Analytical requirements.**

All analyses, including sampling results submitted in support of any application, reports, evidence required by any permit or order shall be performed in accordance with the techniques prescribed in 40 C.F.R. 136 and amendments thereto or, if 40 C.F.R. 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(8), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-329. Confidential information.**

- (a) Information and data (other than effluent data) about a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.
- (b) When the person furnishing a report satisfies the POTW that such person has made the demonstration required by subsection (a), the portions of a report that might

disclose trade secrets or secret processes shall not be made available for inspection except by the state or the EPA for uses related to this article, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the state or the EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(9), 5-9-1994)

### **Sec. 98-330. Right of entry.**

Representatives of the POTW, the state and the EPA, upon showing proper identification, shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this article. Industrial users shall allow authorized representatives of the POTW, the state and the EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, the state and the EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force that would require clearance, training or wearing of special protective gear, the user shall make necessary arrangements at its own expense to enable authorized representatives of the POTW, the state and the EPA to enter and inspect the premises as guaranteed by this section.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(10), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-331. Control manholes.**

- (a) Each person discharging industrial wastes into a public sewer shall, at the discretion of the approving authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring and/or sampling devices are to be permanently installed, they shall meet the following minimum guidelines:
  - (1) A minimum six-foot diameter manhole with steps and a bench for setting of equipment shall be installed. These manholes shall have a minimum 24-inch diameter opening with cast iron manhole cover or lockable lid. These sampling manholes shall be located at least 15 feet downstream of any bends, junctions or manholes. Maximum slope of upstream pipe shall be two percent.
  - (2) All manholes shall be installed with flow measuring devices such as a Parshall flume, Palmer Bowlus flume, subsonic flume or other suitable device as approved by the approving authority. An integral staff gauge shall be provided with each unit with measurements in hundredths of a foot. Flume size and type depends on flow rates anticipated and accuracy desired.
  - (3) A flow metering device shall be provided. The metering device shall be a bubbler, ultrasonic or subsonic device. Flow shall be indicated, totalized and recorded. A 4-20 ma signal or pulse proportional to flow shall be outputted to a sampler for flow proportional sampling.

- (4) A refrigerated flow proportional sampler shall be furnished, suitable for composite or hourly sampling (24 intervals).
  - (5) Plans for these facilities shall be prepared by a licensed professional engineer.
  - (6) Plans, specifications and hydraulic calculations shall be submitted to the approving authority.
- (b) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(11), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-332. Hazardous waste notification.**

- (a) Any industrial user, except as specified in subsection (e) of this section, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 C.F.R. 261, shall notify the POTW in writing of such discharge.
- (b) All hazardous waste notifications shall include:
- (1) The name of the hazardous waste as set forth in 40 C.F.R. 261;
  - (2) The EPA hazardous waste number;
  - (3) The type of discharge (continuous, batch or other); and
  - (4) A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (c) In addition to the information submitted in subsection (b), industrial users discharging more than 100 kg of hazardous waste per calendar month to the POTW, hazardous waste notifications shall contain to the extent such information is known and readily available to the industrial user:
- (1) An identification of the hazardous constituents contained in the waste;
  - (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
  - (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
- (d) Hazardous waste notifications shall be submitted no later than February 19, 1991, except that industrial users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under section 98-325(3)(b).

- (e) Industrial users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of nonacute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 C.F.R. 261.30(d) and 261.33(e) requires a one-time notification.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(12), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-333. Measurement of flow.**

The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water department or utility except as noted in section 98-334.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(13), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-334. Metering of waste.**

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

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(14), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-335. Waste sampling.**

- (a) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of those wastes.
- (b) The determination shall be made by the city as often as may be deemed necessary by the approving authority.
- (c) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.
- (d) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(15), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-336. Pretreatment.**

Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes if the approving authority determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In that event, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable to admission to the sanitary sewers.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(16), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-337. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in amounts in excess of those specified in this article, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of the type and capacity approved by the approving authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the approving authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources (DNR) rules and regulations.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(17), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-338. Analyses.**

- (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods and with the federal regulations of 40 C.F.R. 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, durations and frequencies are to be determined on an individual basis subject to approval of the approving authority.
- (b) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's agent, as designated and required by the approving authority at the cost of the discharger. The approving authority may also make its own analyses on the wastes, and these determinations shall be binding as a basis for sewer service charges.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(18), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-339. Submission of information.**

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until approval has been granted.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(19), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-340. Report of changed conditions.**

Each user shall give notice to the approving authority 90 days prior to facility expansion, production increase or process modifications which is likely to result in any new or substantially increased discharge or a change in the nature of the discharge.

(Code 1983, § 13.17; Ord. No. OR94-03, § 13.17(20), 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)

### **Sec. 98-341. Petroleum contaminated groundwater.**

- (a) *Requests to discharge.* No person shall discharge petroleum contaminated groundwater to the POTW without approval of the approving authority. Requests to discharge petroleum contaminated groundwater shall be in writing and contain, as a minimum, the following:
- (1) A description of the methods to be employed to ensure that the discharge of free product does not occur.
  - (2) An estimate of the discharge duration, maximum discharge rates and the proposed method for measuring contaminated water flow to the sewer system.
  - (3) All available analytical data on the contaminated groundwater. For gasoline contaminated water, the analysis shall include analytical results for benzene, ethyl benzene, toluene and xylene as a minimum. For other petroleum products such as diesel, crude and fuel oils, analytical results shall be submitted for polynuclear aromatic hydrocarbons as a minimum.
  - (4) A description of the pretreatment method to be employed and expected levels of BETX and PAH.
- (b) *Acceptance of wastes.* After review of the discharge request, the approving authority may either accept or reject the wastes. Acceptance of any petroleum contaminated groundwater shall be contingent upon the following conditions:
- (1) *Prevention of discharge of free product.* The discharger shall have, at all times, a functioning treatment system to ensure that the discharge of free product cannot occur to the wastewater treatment system.
  - (2) *Acceptability of system.* The discharger shall employ a pretreatment system

acceptable to the approving authority. This provision may be waived where a low volume of contaminated water is contained in a vessel, analytical data indicates contaminated levels will not interfere or pass through the POTW, and the water will be trucked to the POTW for disposal.

- (3) *Discharge limits.* The discharger shall meet discharge limits imposed by the approving authority. Discharge limits shall be developed for each discharger. Discharge limits shall ensure that discharges from all remediation sites within the city will maintain influent concentrations to the POTW at less than 150 µg/l for dissolved hydrocarbons and less than 0.1 µg/l for polynuclear aromatic hydrocarbons.
- (4) *Monitoring and testing.* Each discharger shall, at initiation of discharge to the POTW and monthly thereafter, submit a report to the plant superintendent providing the concentrations of any parameter for which discharge limits have been imposed by the approving authority. Samples collected for this purpose shall be either time or flow composite samples. Analysis shall be by methods acceptable to the approving authority.
- (5) *Flow measurement.* Each discharger shall provide flow measurement devices acceptable to the approving authority for measuring the discharge of contaminated groundwater to the POTW. Flow data shall be reported on the discharger's monthly report to the plant superintendent.
- (6) *Charges.* Each discharger shall be billed per the unit cost categories in section 98-240 of this article. Each discharger of contaminated groundwater will also be assessed an annual administrative fee of \$500.00.
- (7) *Termination of discharge.* The city reserves the right to terminate the authorization to discharge if:
  - a. The discharger violates any condition of its authorization to discharge.
  - b. The discharger fails to pay sewer charges.
  - c. The discharge violates any prohibited discharge standards within this article.

(Code 1983, § 13.18; Ord. No. OR94-03, § 13.18, 5-9-1994; Ord. No. OR00-10, § I, 5-22-2000; Ord. No. OR00-13, § I, 7-10-2000)