

SEWER USE and USER CHARGE ORDINANCE

CITY OF ARCADIA TREMPEALEAU COUNTY, WISCONSIN

Ordinance No. 153

AN ORDINANCE TO REPEAL AND RECREATE ORDINANCE 153 OF THE MUNICIPAL CODE OF THE CITY OF ARCADIA, TREMPEALEAU COUNTY, WISCONSIN, RELATING TO PROCEDURES, SAFEGUARDS AND FUNDS TO CONSTRUCT, OPERATE AND MAINTAIN THE ARCADIA WASTEWATER TREATMENT FACILITIES AND MEET WPDES PERMIT LIMITS FOR THE ARCADIA WASTEWATER TREATMENT FACILITIES;

WHEREAS, the City of Arcadia, Wisconsin, owns and operates a wastewater treatment works; and

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

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

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Arcadia, Trempealeau County, Wisconsin, as follows:

Section 1: Section 153 of the Code of Ordinances of the City of Arcadia, Wisconsin, entitled "Sewer Use and User Charge Regulations" shall be repealed and recreated as follows:

Section 153.2.1 PURPOSE

The purpose of this Ordinance is to assure minimum health standards and to preserve and promote public health, comfort, safety, and general welfare of the public. The Common Council finds that this purpose is served by regulating public and private sewers and drains, discharge of septage, waters and wastes into public sewers, and by providing methods and means for determining wastewater and septage volumes, constituents and characteristics, for issuing of permits to certain users, for levying and collecting wastewater treatment service charges, and for setting charges and fees pursuant to state law, and by using the revenues so derived to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs, and capital improvements.

The Common Council further finds that setting uniform requirements for discharges into the wastewater collection and treatment systems enables the City to comply with administrative provisions and other discharge criteria that are required or authorized by the State of Wisconsin or Federal law.

Section 153.2.2 DEFINITIONS

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

- (a) **APPROVING AUTHORITY** shall mean the Common Council of the City of Arcadia or its duly authorized utility commission, committee, agent or representative.
- (b) **AMALGAM** means dental filing material made from a mixture of metallic mercury with powdered silver-tin-copper alloy.
- (c) **AMMONIA NITROGEN (NH₃-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."
- (d) **BTEX** means benzene, toluene, ethyl benzene, and zylenes; volatile organic compounds (VOCs) commonly found in discharges from leaking underground storage tank (LUST) sites.
- (e) **BIOCHEMICAL OXYGEN DEMAND (BOD₅)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."
- (f) **BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning at the outside face of the building wall.
- (g) **BUILDING SEWER** shall mean the extension from the building drain to the public main, and is also referred to as the lateral. Except as specifically provided in this Ordinance, the City shall not be responsible for the construction or maintenance of building sewers or laterals.
- (h) **CHEMICAL ELEMENTS & COMPOUNDS** that are typically found in wastewater and may be regulated by this Ordinance are identified as follows:

Ammonia Nitrogen	NH ₃ -N
Arsenic	As
Cadmium	Cd
Chloride	Cl
Copper	Cu
Chromium	Cr
Cyanide	Cn

Lead	Pb
Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Zinc	Zn

- (i) **CITY** shall mean the City of Arcadia, a Wisconsin municipal corporation, located in the County of Trempealeau, State of Wisconsin.
- (j) **COMMERCIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.
- (k) **COMMON COUNCIL** means CITY's local legislative body, as that term is defined in *Wis. Stat. §66.0309(1)(a) (2009)*.
- (l) **COMPATIBLE POLLUTANTS** shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen or pH plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.
- (m) **DEPARTMENT OF COMMERCE (herein called "DOC")** shall mean the Wisconsin Department of Commerce, an executive department of the State of Wisconsin, created by *Wis. Stat. §15.15 (2009)*.
- (n) **DEPARTMENT OF NATURAL RESOURCES (herein called "DNR")** shall mean means the Wisconsin Department of Natural Resources, an executive department of the State of Wisconsin, created by *Wis. Stat. §15.34 (2009)*.
- (o) **EASEMENT** shall mean the legal right for the use of land owned by others.
- (p) **FOG** means fats, oils and grease.
- (q) **FOOD SERVICE FACILITY** means any facility engaged in the preparation of food for human consumption and/or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, and similar facilities. The term includes such facilities even if such use is incidental or accessory to the facilities primary use.
- (r) **FRYER OIL** means oil that is used and/or reused in fryers for the preparation of foods such as fried chicken and french fries. Discharge of fryer oil into the sewer system is prohibited.
- (s) **GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

- (t) **GREASE** means fats, oils, and grease used for the purpose of preparing food or resulting from food preparation and includes all elements of FOG. The terms grease and FOG may be used interchangeably.
- (u) **GROUND GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
- (v) **HOLDING TANK SERVICE AREA** shall mean the area outside the City's current sewer service area, but inside or equal to the City's future sewer service area where a contract has been developed by the City for holding tank wastewater to be treated at the wastewater treatment works.
- (w) **INCOMPATIBLE POLLUTANTS OR WASTEWATER** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.
- (x) **INDUSTRIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, or fishing.
- (y) **INDUSTRIAL WASTE** shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage. The term shall include cooling water and the discharge from pretreatment facilities.
- (z) **LICENSED DISPOSER** shall mean a person or business holding a valid license to do septage servicing under *Wis. Admin. Code ch. NR 113*.
- (aa) **MERCURY** (Hg) is a hazardous chemical element that is a persistent, bioaccumulative pollutant. Its use is unnecessary since there are many mercury-free alternatives. No laboratory shall be used for testing for mercury unless it shall be qualified for low-level mercury analysis under *Wis. Admin. Code §NR 149.12(2)*.
- (bb) **MILLIGRAMS PER LITER** (mg/L) shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (cc) **MUNICIPAL WASTEWATER** shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may have inadvertently entered the sewer system.
- (dd) **NATURAL OUTLET** shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

- (ee) **NORMAL DOMESTIC SEWAGE** shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD₅, TSS, total Kjeldahl nitrogen, and phosphorus concentrations meet the following:
- (i) A five day, 20°C BOD of not more than 290 mg/L.
 - (ii) A total suspended solids content of not more than 300 mg/L.
 - (iii) A total Kjeldahl nitrogen content of not more than 25 mg/L.
 - (iv) A total phosphorus content of not more than 8 mg/L.
- (ff) **PARTS PER MILLION** (ppm) shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Equivalent to milligrams per liter (mg/L).
- (gg) **PERSON** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.
- (hh) **pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
- (ii) **PRETREATMENT** shall mean an arrangement of devices and structures, for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.
- (jj) **PRIVATE SEWER** shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewer.
- (kk) **PUBLIC SEWER** shall mean any sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewers shall not include private sewers or building sewers.
- (ll) **PUBLIC USER** shall mean any user discharging Normal Domestic Sewage whose premises are used primarily by a governmental entity, private school or public school.
- (mm) **RESIDENTIAL USER** shall mean any dwelling discharging Normal Domestic Sewage. This includes single-family homes, mobile homes, duplex units and apartment units. Each single-family residential unit shall be invoiced as a separate user.
- (nn) **SANITARY SEWAGE** shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than

industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

- (oo) **SANITARY SEWER SYSTEM** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (pp) **SEPTAGE** shall mean the wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (qq) **SEWAGE** is the spent water of a community. The preferred term is "municipal wastewater."
- (rr) **SEWER SERVICE AREAS** are the areas presently served and anticipated to be served by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan for the City's wastewater treatment facility filed with the DNR.
- (ss) **SEWER SERVICE CHARGE** is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as the operation, maintenance costs, and replacement of said facilities.
- (tt) **SEWER SYSTEM** means the common sanitary sewers within a sewerage system that are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection wye fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the City.
- (uu) **SEWERAGE SYSTEM** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (vv) **SLUG LOAD** shall mean any substance released at a discharge rate to and/or concentration that causes interference with wastewater treatment processes or plugging or surcharging of the sewer system.
- (ww) **STANDARD METHODS** shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.
- (xx) **STORM DRAIN** (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water

from any source.

- (yy) **STORMWATER RUNOFF** shall mean that portion of the rainfall that is collected and drained into the storm sewers.
- (zz) **SUSPENDED SOLIDS (TSS)** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (aaa) **TOXIC DISCHARGES** means a discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the City, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.
- (bbb) **USER** means any entity connected to the sewer system of the City of Arcadia, including Public Users, Commercial Users, Residential Users, and Industrial Users.
- (ccc) **USER CLASSES** are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, phosphorous and pH. For the purposes of this Ordinance, there shall be four user classes: residential, commercial, industrial and public authority.
- (ddd) **UTILITY COMMISSION** shall mean the City's utility commission created pursuant to *Wis. Stat. §66.0805 (2009)*.
- (eee) **WASTEWATER FACILITIES** shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (fff) **WASTEWATER TREATMENT WORKS** shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with sewage treatment facility.
- (ggg) **WATERCOURSE** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- (hhh) **WPDES** shall mean the Wisconsin Pollutant Discharge Elimination System, a system for regulating wastewater treatment and discharging by the Wisconsin Department of Natural Resources and which is governed in part under *Wis. Admin. Code ch. NR 210*.

Section 153.2.3 MANAGEMENT, OPERATION AND CONTROL

- (a) **AUTHORITY.** The management, operation and control of the wastewater

facilities of the City is vested in the Common Council; all records, minutes and all written proceedings thereof shall be kept by the City Clerk; the City Clerk shall keep all the financial records.

- (b) **CONSTRUCTION.** The Common Council shall have the power to construct wastewater treatment facilities, pumping stations and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the City; and generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The Common Council shall have power by themselves, their officers, agents and representatives to enter upon any land for the purpose of making examination in the performance of their duties under this Ordinance, without liability therefor; and the Common Council shall have power to purchase and acquire for the City any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.
- (c) **CONDEMNATION OF REAL ESTATE.** Whenever the Common Council determines that any real estate or any easement is necessary to the wastewater facilities, and if a purchase agreement with the Owner is not possible, then the Common Council may proceed pursuant to Wis. Stat. ch. 32. If funds from the U.S. Government will be used for the project associated with the real estate or easement, the Common Council shall also proceed in accordance with the Uniform Relocation and Real Property Acquisition Policy Act of 1970.
- (d) **TITLE TO REAL ESTATE AND PERSONALTY.** All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, papers, books and records connected with said wastewater facilities, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the City.

Section 153.2.4 GENERAL SEWER USE REGULATIONS

- (a) **GENERAL.** The rules, regulations, and sewer rates set forth in this Ordinance shall be considered a part of the contract between the City and every person, company, or corporation who is connected to or uses the sewer system or wastewater treatment works. No person may connect to the Sewer System without first obtaining a permit for such connection from the City. By connecting with the sewer system or wastewater treatment works every such person, company, or corporation shall be considered as expressing their assent to be bound thereby. If any of the rules and regulations of this Ordinance, now or as later amended or adopted, are violated, the use or service shall be shut off from the building or place of such violation, even if two or more parties are receiving service through the same connection. The use or service shall not be re-established except by order of the Common Council and on payment of all arrears, expenses and charges of shutting off and putting on, and such other terms as the City may determine, and a satisfactory understanding with the violator that no further cause for complaint will arise. The Common Council may further declare any payment made for the service by the violator(s) to be forfeited and the same shall thereupon be forfeited. The City reserves the right to change these rules, regulations, and sewer rates from time to time as it may deem

advisable and the right to make special rates and contracts in all proper cases.

- (b) **PLUMBER LICENSE REQUIRED.** No one will be permitted to do any plumbing or pipe fitting work on systems connecting to the public sewer system without first receiving a license from the State of Wisconsin. All service connections to the sewer main shall comply with the State plumbing code.
- (c) **SEPTIC TANKS PROHIBITED.** From December 31, 1988, the use of septic tanks, drainfields, cesspools, holding tanks or any other private sewage disposal system within the sewer service area of the City shall not be permitted unless approved by the Common Council.
- (d) **MANDATORY HOOK-UP.** The owner of each parcel of land within the City adjacent to a sewer main and on which exists a building where persons reside, congregate or are employed, or in a block through which such system is extended, shall connect to such system by installing a building sewer exclusive to that parcel within 365 days of notice in writing from the Utility Commission. Upon failure to do so, the Utility Commission may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax against the property. The full cost of making the connection shall be the property owner's responsibility. In the alternative, the City at its option may impose a penalty for the period that the violation continues, after 10 days written notice to any owner failing to make a connection to the sewer system, in the amount of \$5.00 per day. Upon failure to make such payment, said charge shall be assessed as a special tax against the property, all pursuant to *Wis. Stat. §281.45*.
- (e) **APPLICATIONS FOR SERVICE.** Every person desiring to connect to the sewer system shall file an application in writing with the City Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the City Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

Application for sewer service is limited to parcels within the corporate limits of the City unless a connection exists on June 1, 2009. Surcharged rates will apply to any parcel located outside of the corporate limits of the City that the City accepts for service.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Utility Commission may reject the application. If the Utility Commission approves the application, it shall issue a permit for services as shown on the application upon payment of the connection charge.

- (f) **UTILITY RESPONSIBILITY.** It is expressly stipulated that no claim shall be made against the City, Utility Commission or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding.

Whenever it shall become necessary to shut off the sewer within any district of the City, the City Clerk shall, if practicable, give notice to each and every consumer within the affected area of the time when such service will be shut off.

- (g) **RV DUMPING STATIONS.** Domestic waste holding tanks on Recreational Vehicles and trailers shall only be permitted to discharge at the wastewater treatment facility after the fee specified in Section 153.2.10(h) has been paid.
- (h) **ADDITIONAL AUTHORITY.** The Common Council may at any time establish specific connection charges for any building sewer connected or connecting to the City's Sewer System. It is further provided that the Common Council may amend or alter any connection charge after its establishment under the terms of this Ordinance or previous ordinances or resolutions.

Section 153.2.5 USER REGULATIONS

- (a) **INDEPENDENT BUILDING SEWER REQUIRED.** Building sewers must be used exclusively by only one property. No user or owner shall allow other persons, other private sewers, or other services to connect to the sewer system through their property's building sewer. If two or more buildings are served by one building sewer, the Utility Commission may enforce compliance for mandatory hook-up pursuant to Section 153.2.4(d).
- (b) **MAINTENANCE OF BUILDING SEWER.** The property owner shall maintain the building sewer from the street main to the house, including all controls between the same, without expense to the City, except when they are damaged as a result of negligence or intentional willful misconduct by the City. All building sewers must be maintained free of defective conditions by and at the expense of the owner or occupant of the property.
- (c) **USER TO REPAIR BUILDING SEWER.** All users shall keep their building sewers in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the sewer system.
- (d) **BACKFLOW PREVENTOR.** All sewer services shall have a backflow prevention valve installed and maintained at the owner's expense.
- (e) **VACATING OF PREMISES AND DISCONTINUANCE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; then the owner or user must notify the City Clerk in writing.
- (f) **USER TO PERMIT INSPECTION.** Every user shall permit the City, Utility Commission or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and *Wis. Stat. §196.171*.

- (a) **EXCAVATIONS.** An excavation permit shall be obtained from the City before beginning work for laying building sewers or making repairs. All work shall be performed in accordance with this Ordinance, and the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public.

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

In backfilling the excavation, after the pipes are laid, the owner or owner's agent shall place suitable material in layers of not more than six inches (6") inches in depth with each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, base course and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Utility Commission. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

- (b) **TAPPING THE MAINS.** Permission and approval from the Utility Commission is required before any person may tap any public sanitary sewer. The kind and size of the connection with the pipe shall be that specified in the permit from the Utility Commission, to ensure that new sewers and connections to the sewer system are properly designed and constructed.

Pipes must be tapped on the upper quadrant of the pipe and not within 6 inches of a joint and not within 24 inches of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.

- (c) **INSTALLATION OF BUILDING SEWERS (LATERALS).** All building sewer pipes (laterals) on private property will be installed in accordance with State of Wis. Admin. Code ch. Comm 82, entitled "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially Wis. Admin. Code § Comm 82.30, entitled "Sanitary Drain Systems."

All building sewers, and/or private interceptor main sewer shall be inspected by the Utility Commission pursuant to Wis. Admin. Code § Comm 82.21 upon completion of placement of the pipe and before backfilling and shall be tested before or after backfilling.

New or replacement building sewers shall be ASTM D3034 SDR 26 PVC with tracer wire. Tracer wire within a PVC conduit shall be extended to the surface at the exterior wall of the building served.

- (d) **CLEARWATER CONNECTION PROHIBITED.** No person shall make connections of roof downspouts, foundation drains, sump pumps, yard drains, or

other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected by the owner or the owner's agent within 60 days of written notice from the Utility Commission.

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

Section 153.2.7 EXTENSIONS OF SEWER MAINS

The City shall extend sewer mains in accordance with the following charges and the following conditions:

- (a) **APPLICATION.** When an extension of a sewer main is requested by the prospective user, said person should make an application for such an extension in writing to the Utility Commission of the City by filing of a written application. After the filing of such an application, the Utility Commission shall determine the logical location of the next manhole and determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than the next manhole per *Wis. Admin. Code §NR 110.13(3)*. All sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations. All sewer extensions shall be subject to approval by both the Utility Commission and Common Council.
- (b) **PAYMENT BY USERS.** The cost of all sewer extensions in the City shall be paid through one or more of the following methods:
 - (i) **PAYMENT OF COSTS.** The Common Council may recoup the costs of sewer main extensions through entering a developer's agreement under *Wis. Stat. §66.0821(2)* or through special assessment under *Wis. Stat. §66.0703*.
 - (ii) **FUTURE USERS.** If a sewer main extension is financed by a developer(s) and a future sewer main extension is connected to the developer-financed extension within three years of its completion, then *Wis. Admin. Code ch. PSC 187* shall apply.
- (c) **CONSTRUCTION.** If the City constructs the extension, full payment shall be made before construction begins unless otherwise agreed between the person requesting the extension and the Common Council. If the developer constructs the extension, no construction shall begin until the Common Council, the Utility Commission, the City Engineer, and any necessary County and State departments approve the plans. When construction is complete and all tests have been satisfactorily completed and all necessary right-of-ways or easements have been recorded, the City shall assume responsibility for the extension.

- (d) **PRESSURE SEWER.** The Utility Commission will consider the use of low-pressure sewer systems where the developer demonstrates that pressure sewer is cost-effective compared to a conventional gravity system or offers overriding environmental benefit. For both types of systems, the City will operate and maintain only that portion of the system within the public street or easement.
- (i) **Cost-Effectiveness Analysis.** The developer's engineer shall prepare a cost-effectiveness analysis comparing gravity sewer to pressure sewer. The analysis shall include both the cost of the sewer in the public street and the private sewer including the grinder pump. Estimated power and maintenance costs shall be included. Environmental benefits such as reduced disturbance of steep hillsides may also be considered. The Utility Commission must concur with the selection of pressure sewer before detailed design proceeds.
 - (ii) **Design Requirements.** Complete hydraulic calculations demonstrating flow and head conditions at both initial (first year) and fully developed conditions shall be prepared. Pressure sewer mains shall be SDR 11 HDPE. Pressure sewer building sewers to single-family users shall be 1¼". The developer shall provide a 1¼ " curb stop and box at the property line. The developer shall connect to the main in the street with a fused HDPE tee, install all pipes with a 7 ft. minimum cover, and provide approved flushing connections at deadends, changes in pipe size, changes in direction and at intervals no greater than 1000 ft. Depending on the length of the system and number of connections, special odor-control methods or equipment may be required by the Utility Commission at the discharge.
 - (iii) **Construction.** All construction shall meet DNR and DOC requirements. Grinder pumps shall be furnished, installed and maintained by the user. Individual grinders for each single-family unit shall be provided except where multiple living units are under common ownership. The user shall also install the building sewer and make connection to the curb stop at the public street. Where a building sewer stub and curb stop were not provided during initial construction, the user shall install the building sewer to the main within the street. Only grinder pump units approved by the Utility Commission are permitted to be connected to the sewer system. The user's sewer system and grinder pump shall be protected from clear water entry, including flood waters. No open sewer fixtures or grinder pump unit cover shall be located lower than 2 ft. above the 100 – year flood elevation.
 - (iv) **Notice to Purchaser.** It is the seller's responsibility to provide notice to the lot purchaser about the Utility Commission policies related to connection to pressure sewers. The Utility Commission's pressure sewer User Information sheet and Typical Installation plan shall be provided to each lot purchaser served by pressure sewer.

Section 153.2.8 **SEPTAGE DISPOSAL**

- (a) **APPLICATION FOR SEPTAGE DISPOSAL.** Between August 1 and September 1 of each year, each licensed disposer wishing to discharge septage to the City wastewater treatment works shall file a nonrefundable filing fee and an application in writing with the City Clerk on such form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the City Clerk. The application must state fully and truthfully the type, frequency, quantity, quality and location of generated septage to be disposed in the wastewater treatment works. The forms prescribed for the purpose of documentation of the discharge will be furnished at the City Clerk's office and will include all of the following information:

- (i) Name, address and telephone number of the hauler.
- (ii) License number
- (iii) Type of septage
- (iv) Quantity of septage
- (v) Estimated quality of septage
- (vi) Location, date, time and feed rate of discharge
- (vii) Source of septage
- (viii) Name and address of septage generator
- (ix) Other information as required by the Utility Commission.

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

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

All Utility Commission approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems or threat of WPDES permit violations that are indirectly or directly

related to septage disposal, the Utility Commission may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

- (c) **SEPTAGE ACCEPTANCE LOCATION.** Septage shall only be discharged to the City's sewer system by Utility Commission-approved and State of Wisconsin licensed disposers and at locations, times and conditions as specified by the Utility Commission. Septage discharges to the receiving facility at the wastewater treatment facility shall be limited to the normal working hours of the facility. Documentation of the discharge shall be submitted to the City Clerk within one working day of the discharge.

Section 153.2.9 DISCHARGE REGULATIONS

- (a) **GENERAL DISCHARGE PROHIBITIONS.** No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the City:
 - (i) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.
 - (ii) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 - (iii) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater.
 - (iv) Any wastewater containing arsenic, cadmium, copper, chromium, chloride, cyanide, lead, mercury, nickel, zinc or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.
 - (v) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or health which are sufficient to prevent entry into the sewers for their maintenance or repair.
 - (vi) Any substance that may cause the wastewater treatment works effluent, treatment residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
 - (vii) Any substance that will cause violations of the WPDES permit or other disposal system permits.

- (viii) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (ix) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer that exceeds 120°F unless the wastewater facilities are designed to accommodate such temperature.
- (x) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD₅), released in a single extraordinary discharge episode of such volume or strength as to cause interference with the wastewater treatment works.
- (xi) Any unpolluted water including, but not limited to, non-contact cooling water.
- (xii) Any wastewaters that may be acutely or chronically toxic to aquatic life or wild or domestic animals.
- (xiii) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (xiv) Any wastewater that causes a hazard to human life or health or creates a public nuisance.
- (xv) Any storm water, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the City.

(b) LIMITATIONS ON WASTEWATER STRENGTH

- (i) National categorical pretreatment standards shall, as promulgated by the U.S. Environmental Protection Agency, be met by all dischargers of the regulated industrial categories.
- (ii) State requirements and limitations on all facilities shall be met by all dischargers who are subject to such standards in any instance in which they are more stringent than other applicable requirements, including without limitation those requirements set forth under this Ordinance.
- (iii) The Common Council reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the wastewater facilities where deemed necessary to comply with the objectives set forth in this Ordinance.

- (c) **DILUTION.** No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance unless approved in writing by the Utility Commission.
- (d) **SUPPLEMENTARY LIMITATIONS.** No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the Utility Commission:

<u>Material</u>	<u>Concentration (mg/L)</u>
Biochemical Oxygen Demand	290 mg/L
Suspended Solids	300 mg/L
Fats, Oil and Grease (FOG)	100 mg/L
Phosphorus	8 mg/L
Mercury	Nondetectable

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

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

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

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

- (f) **GREASE INTERCEPTORS.** All Food Service Facilities shall provide indoor or outdoor grease interceptors per *Wis. Admin. Code § Comm 82.34(5)*. Documentation on maintenance shall be provided to the Utility Commission on

request. Abnormal sewer or lift station maintenance expenses caused by discharge of grease shall be the responsibility of the discharger.

- (g) **AMALGAM MANAGEMENT AT DENTAL FACILITIES.** Any dental office that places or removes amalgam shall implement the amalgam management practices established by the Wisconsin Dental Association. Practices include capturing and recycling all forms of waste amalgam from empty capsules, excess scrap, chair-side traps, and vacuum filters. This section does not apply to dental facilities that do not place or remove amalgam, such as orthodontics, periodontics, oral and maxillo-facial surgery, endodontics or prosthodontics facilities. Every vacuum system where amalgam is placed or removed shall incorporate an amalgam separator that meets ISO 11143 standards by January 1, 2010. Facilities shall install, operate and maintain the amalgam separator according to manufacturer's instructions. The amalgam separator must be of sufficient capacity for the size of dental facility and vacuum system.

Records of amalgam separator maintenance shall be retained for a minimum of three years and shall be readily available for inspection and copying upon request by the Utility Commission. Records must contain volume or weight of amalgam waste, name and address of shipper and name and address of destination. Dental facilities shall allow the Utility Commission to enter the premises during normal operating hours for the purpose of inspection or records examination. Dental facilities implementing Wisconsin Dental Association BMPS and operating and maintaining an amalgam separator are exempt from numerical mercury discharge limits as listed in Section 153.2.9(b) and (d).

- (h) **GROUNDWATER REMEDIATION DISCHARGES TO SEWER.** The requesting discharger or contracted agent shall file a notice of intent to discharge groundwater form with the Utility Commission. The form shall include lab analysis for BTEX (Benzene, Toluene, Ethyl Benzene, Xylenes) compounds, gasoline range organics (GRO) and/or diesel range organics (DRO), as determined by the Utility Commission on a case-by-case basis depending on the site. All sampling and analysis shall be performed in accordance with procedures contained in 40 CFR Part 136, *Wis. Admin. Code ch. NR 219*, or other such methods approved by the Utility Commission. The Utility Commission shall reply with acceptance or non-acceptance within thirty (30) days of the receipt of all required information. Acceptance shall be accompanied by monitoring requirements and estimated sewer use charges. Any change in ownership or contracted remediation party will require the resubmission of the above information prior to the continuance of any remediation discharge.

- (i) **SPECIAL AGREEMENTS.** No statement contained in this Ordinance shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater facilities or wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth in such agreement are complied with.

Section 153.2.10 SEWER USER CHARGE SYSTEM

(a) ADDITIONAL DEFINITIONS

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

- (i) **DEBT SERVICE CHARGES** shall mean all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater facilities and wastewater treatment facilities.
 - (ii) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD₅ no greater than 290 milligrams per liter (mg/L), suspended solid no greater than 300 milligrams per liter (mg/L) and phosphorus no greater than 8 milligrams per liter (mg/L).
 - (iii) **NORMAL USER** shall mean a user whose contributions to the sewer system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
 - (iv) **OPERATION AND MAINTENANCE (O&M) COSTS** shall mean all costs associated with the operation and maintenance of the wastewater facilities and wastewater treatment works. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various classes of sewer users.
 - (v) **REPLACEMENT COSTS (R)** shall mean all costs necessary to accumulate the resources as required to maintain capacity and performance during the design life of the facility. Two separate, segregated, distinct Replacement Funds shall be established. The Treatment Replacement Fund shall be used only for replacement of equipment at the Wastewater Treatment Works. The Sewer Replacement and Extension Fund shall be used only for extension, replacement or rehabilitation of sanitary sewers.
 - (vi) **SEWER SERVICE CHARGE** is a service charge levied on users of the sewer system for payment of Debt Service, Operation and Maintenance costs and Replacement of said facilities.
- (b) **POLICY.** It shall be the policy of the City to obtain sufficient revenues to pay the costs for the debt service, operation and maintenance of the wastewater facilities, including the replacement funds, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such wastewater facilities.
- (c) **CONNECTION CHARGE.** Persons attaching to a public sewer main shall have the building sewer from the sewer main installed at their own expense and shall pay a connection charge as follows:

Residential (Single family)	\$500.00
Multiple Family Residential (per dwelling unit)	\$250.00 per dwelling unit

Churches	\$400.00
Commercial & Industrial (Domestic Only)	\$500.00
Motels & Laundromats	\$600.00
Hospitals and Clinics	\$2,500.00
Schools	\$2,500.00

- (d) **BASIS FOR SEWER SERVICE CHARGE.** The sewer service charge shall be based on two parts, the Residential Equivalency Charge plus the Sewer Use Charge. The Residential Equivalency Charge and the Sewer Use Charge shall be sufficient to pay the costs of net Debt Service charges, the Replacement Funds costs and fixed Operation and Maintenance costs. The rates in this Ordinance shall be reviewed by the Utility Commission not less than biennially. Rates shall be adjusted, as required, to reflect the actual volume of water used, number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to debt service and operation, maintenance, and replacement.

(e) **RESIDENTIAL EQUIVALENCY CHARGE.**

- (i) A Residential Equivalency Charge (REC) is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the sewer system. Such residential equivalency charge shall be payable as herein provided and shall be on the basis of one unit for each residential equivalent unit. Each single-family dwelling shall be assigned one unit. A single-family dwelling is defined as a mobile home, a seasonal dwelling, a duplex unit, and apartment unit, a single family detached dwelling or a unit in a multi-family building.
- (ii) Periodically the Clerk shall recompute the assignment of residential equivalent units to all users within the sewer system. Said recalculation shall be based upon the average amount of water used by each customer (other than single-family dwellings) compared to the average amount of water used by all single-family dwellings for the 4 most recent quarters. In no event shall each customer (other than single-family dwellings) be assigned a residential equivalent unit that is less than one unit. A list of calculated REC units is included as Appendix A. A new user will be assigned initial REC units based on Appendix B.

- (f) **SEWER USE CHARGE.** A Sewer Use Charge is hereby imposed on all users of the sewer system based upon the metered water used thereon or therein as calculated by the Utility Commission or its designee. This Sewer Use Charge shall be computed by dividing the proposed net yearly debt service, operation, maintenance and replacement budgets as provided in this Ordinance by the previous year's average billable water usage.

Any refrigeration, air conditioning/humidification system or industrial cooling water not entering the sewer system shall not be used in computing the Sewer Use Charge if a separate meter is installed. The user of such refrigerator, air

conditioning/humidification system or industrial cooling water system shall be responsible for furnishing, installing and maintaining the necessary meter.

Such Sewer Use Charge shall be payable as hereinafter provided and in an amount determinable as follows:

- (i) **CATEGORY A** is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD₅) no greater than 290 milligrams per liter (mg/L), total suspended solids (TSS) no greater than 300 milligrams per liter (mg/L) and Phosphorus (P) no greater than 8 milligrams per liter (mg/L). The Sewer Service Charge for Category A wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective.
 - (ii) **CATEGORY B** is defined as wastewater having concentrations of Biochemical Oxygen Demand (BOD₅) greater than 290 milligrams per liter (mg/L), Phosphorus (P) greater than 8.0 milligrams per liter (mg/L) and/or total suspended solids (TSS) greater than 300 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 290 mg/L BOD₅, 8.0 mg/L P and 300 mg/L TSS. The Sewer Service Charge for Category B wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective.
 - (iii) **CATEGORY C** is defined as septage or holding tank wastewater that has concentrations of Biochemical Oxygen Demand (BOD₅) greater than 290 milligrams per liter (mg/L), Phosphorus (P) greater than 8.0 milligrams per liter (mg/L) and/or total suspended solids (TSS) greater than 300 milligrams per liter (mg/L). Charges will be based on the unit prices provided in the current rate schedule plus an administrative charge of \$25.00 per load. It will be assumed that holding tank wastewater has a BOD₅ of 600 mg/L, P of 30 mg/L and a TSS of 1,800 mg/L and septic tank wastewater has a BOD₅ of 5,000 mg/L, P of 50 mg/L and TSS of 15,000 mg/L unless an actual analysis is furnished by the discharger. The Sewer Service Charge for Category C wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective..
- (g) **SEWER SERVICE CHARGE AMOUNTS.** The amount of the Residential Equivalency Charge (REC) and the Sewer Use Charge are listed in Appendix A.
 - (h) **RV DUMPING STATIONS.** Notwithstanding anything contained in this Ordinance to the contrary, sewage dumping stations serving domestic waste holding tanks on Recreational Vehicles and trailers shall pay \$10.00 per use.
 - (i) **UNIQUE USERS.** The City, at any time hereafter, establish additional rates for any large commercial service, industrial user or any other unique user that does

not readily fit into other user categories.

- (j) **REASSIGNMENT OF SEWER USERS.** The Utility Commission will reassign sewer users into appropriate Sewer Use Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

Section 9.2.1 PAYMENT FOR CHARGES

- (a) **PAYMENT AND PENALTY.** The Sewer Service Charge shall be for the corresponding period of the water bills, monthly for all users. Charges shall be payable to the City Clerk not later than 20 days after the date of the invoice. A penalty of one percent (1%) per month shall be added to all bills not paid by the date fixed for payment.
- (b) **CHARGES A LIEN.** All Sewer Service charges imposed by this Ordinance or another ordinance adopted by the City shall be a lien upon the property serviced pursuant to *Wis. Stat. § 66.0809(3)* and shall be collected in the manner therein provided.
- (c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account that shall show all receipts and expenditures of the wastewater facilities. Charges collected for Replacement Funds shall be credited to segregated, non-lapsing Replacement accounts. These funds are to be used exclusively for the replacement purpose defined by the Utility Commission. All present outstanding sewer system general obligation bonds, including refunding bonds and revenue bonds shall be paid from the wastewater facilities fund as to both principal and interest.

Section 9.2.2 INDUSTRIAL AND SEPTAGE WASTEWATERS

- (a) **DISCHARGE CONDITIONS.** If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities that contain substances or possess the characteristics which violate the limits and regulations enumerated in Section 153.2.9 and which, in the sole discretion of the Utility Commission may be detrimental to the wastewater facilities, the Utility Commission may:
 - (i) Reject the wastes;
 - (ii) Require pretreatment to an acceptable condition for discharge to the sewer system;
 - (iii) Require control over the quantities and rates of discharge;
 - (iv) Require payment to cover the added cost of handling and treating the wastewater not covered by existing sewer service charges under the provisions of Section 153.2.10(f)(iii).

- (b) **SEPTAGE DISCHARGES.** Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.
- (c) **CONTROL MANHOLES**
- (i) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points at each connection to the sewer system to facilitate observation, measurement, and sampling their waste, excluding domestic sewage when feasible.
 - (ii) Control manholes or access facilities shall be located and built in a manner acceptable to the Utility Commission. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Utility Commission.
 - (iii) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be subject to approval by the Utility Commission prior to the beginning of construction.
- (d) **MEASUREMENT OF FLOW.** The volume of flow used for computing the Sewer Use Charge for non-septage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the City Water Utility unless approved wastewater flow meters are provided.
- (e) **PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Utility Commission that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the wastewater volume discharged into the public sewer may be made a matter of agreement between the Utility Commission and the industrial wastewater discharger.
- (f) **METERING OF WASTEWATER.** Devices for measuring the volume of wastewater discharged may be required by the Utility Commission if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be furnished, 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 Utility Commission.
- (g) **WASTEWATER SAMPLING**
- (i) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the Utility Commission.

- (ii) 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 Utility Commission.
 - (iii) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the Utility Commission or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Wisconsin certified laboratory.
- (h) **PRETREATMENT.** The Utility Commission may require the discharger to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities. The discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
- (i) **GREASE AND/OR SAND INTERCEPTORS.** The Utility Commission may require the discharger to provide for grease, oil, and sand interceptors, which shall be readily and easily accessible for cleaning and inspection. The discharger shall maintain the interceptors and 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 that are subject to review by the Utility Commission. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms. All Food Service Facilities shall provide indoor or outdoor grease interceptors per *Wis. Admin. Code § Comm 82.34(5)*. Documentation on maintenance shall be provided to the Utility Commission on request. Expenses associated with abnormal sewer or lift station maintenance caused by discharge of grease shall be the responsibility of the discharger.
- (j) **ANALYSES**
 - (i) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinance shall be determined in accordance with the latest edition of Standard Methods by a laboratory certified under *Wis. Admin. Code ch. NR 149*. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Utility Commission.
 - (ii) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging the wastewater or by their agent, as designated and required by the Utility Commission. The Utility Commission may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the Utility Commission may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under *Wis.*

Admin. Code ch. NR 149 and be reasonably acceptable to both the Utility Commission and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be the responsibility of the discharger.

- (k) **SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, of wastewater processing facilities shall be submitted for review by the Utility Commission and the City Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
- (l) **SUBMISSION OF BASIC DATA.** Within three (3) months after the effective date of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the Utility Commission, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The Utility Commission shall be notified not less than 60 days in advance of implementation of any plans that change the discharge of industrial waste by more than 15 percent of flow or strength. Such a request shall be evaluated as provided in Section 153.2.12(k).

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

Section 153.2.13 ANNUAL AUDIT

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

Section 9.2.3 VIOLATIONS AND PENALTIES

- (a) **DAMAGES.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment that is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest.
- (b) **WRITTEN NOTICE OF VIOLATION.** Any person connected to the wastewater facilities found to be violating a provision of this Ordinance other than Section 153.2.14(a) shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event of an emergency the notice may be verbal.

Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this Ordinance or of any conditions of the City's approval

for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

- (c) **DELETERIOUS DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the wastewater facilities, wastewater treatment works, or receiving water body shall, in addition to a forfeiture, pay the amount to repair all damages, both of which will be established by the Common Council.
- (d) **DISCHARGE REPORTING.** Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the City Clerk.
- (e) **LIABILITY TO CITY FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation that the City might suffer as a result thereof.
- (f) **DAMAGE RECOVERY.** The City shall have the right of recovery from all persons of any expense incurred for the repair or replacement of any part of the wastewater facilities or wastewater treatment works damaged in any manner by any person by the performance of any work under their control, or by any negligent or willful acts of that person or that person's employees or agents.
- (g) **PENALTIES.**
 - (i) Any person who violates any of the provisions of this Ordinance or applicable City regulations, who connects a service pipe or discharges without first having obtained a permit, or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, upon conviction of such violation shall forfeit not less than \$50.00 nor more than \$500.00, together with statutorily prescribed court costs and assessments. This provision shall not bar the City from enforcing the mandatory connection requirement of Section 153.2.4(d).
 - (ii) Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation after the lapse of the time limit provided for cessation of a violation, upon conviction of such continuing violation, shall forfeit not less than five hundred dollars (\$500.00), together with statutorily prescribed court costs and assessments. In default of payment of such forfeiture and costs, said violator shall be subject to imprisonment in the County Jail for a period not to exceed one (1) day for each \$40.00 of unpaid forfeiture and costs. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.
- (h) **APPEAL PROCEDURES.** Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file a written appeal with the

Utility Commission within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's appeal. The Utility Commission shall render a decision on the written appeal to the user in writing within thirty (30) days of receipt of appeal. If the ruling on the request for reconsideration made by the Utility Commission is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Common Council. A fee of \$100.00 shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant. This Section 153.2.14(h) shall not apply to any citation or pending court action.

Section 153.2.15 VALIDITY

- (a) **REPEAL OF CONFLICTING ORDINANCES.** This Ordinance shall supersede all previous ordinances, resolutions, orders, or city regulations and shall repeal all parts thereof that may be in conflict with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Statute shall be controlling.
- (b) **SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.
- (c) **AMENDMENTS.** The City, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

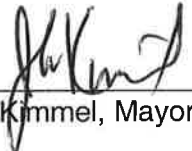
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Section 2: This Ordinance shall take effect and be in force from and after its passage and publication of notice thereof as provided by law.

Passed by the Common Council of the City of Arcadia, on the 13th day of August, 2009.

Approved by the Mayor on the 13th day of August, 2009.

APPROVED:



John Kimmel, Mayor

ATTEST:



Angela Berg, City Clerk

Adopted: August 13, 2009.

Published: August 20, 2009.

STATE OF WISCONSIN }
 }
COUNTY OF TREMPLEAU } SS.

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of the Ordinance duly and regularly passed by the City Council of the City of Arcadia on the 13th day of August, 2009 and that said Ordinance has not been repealed or amended, and is now in full force and effect.

Dated this 31st day of August, 2009.



Angela Berg, City Clerk

APPENDIX B

Residential Equivalency Charge Chart

The following list of Residential Equivalent (REC) Units shall be assigned for new connections:

Single Family	1 REC
Duplexes	2 REC (1/unit)
Multiple Family (3 units and up)	1 REC/unit
Vacant Lot	0 REC
Hotel/Motel	0.75 REC/sleeping unit
Taverns - for each 50 capacity	1 REC
Bowling Alleys	0.50 REC/alley
Vehicle Service Garage	
10 employees or less	1 REC
Over 10 employees	1 REC each additional 10
Churches	1 REC
Restaurants (having a good prep kitchen) Halls	2 REC for each capacity
Office Buildings	3 REC
Post Office	1 REC /10 employees
Telephone Exchange	1 REC
Barber Shops and Beauty Parlors	1 REC
Nursing Homes	0.333 REC./sleeping room
Funeral Homes	1 REC
Greenhouses	1 REC
Dentists	1 REC per care station
Medical Clinics	2 REC for each capacity
Retail Stores, Warehouses. Shops, Banks,	
10 employees or less	1 REC
Over 10 employees	1 REC each additional 10
Municipal Building	1 REC
City Hall	1 REC
Car Wash	4 REC
Laundromats	0.333 REC/washing machine
Schools	
without shower facilities	1 REC /75 students capacity
with shower facilities	1 REC/15 students capacity
Domestic Use from Industrial	1 REC/10 employees
Commercial Establishments utilizing garbage grinder	Additional 2 REC
Mobile Home/Mobile Home Parks	1 REC/unit
Seasonal Dwellings	1 REC/unit
Hospital	0.75/bed

Any category of users not listed shall be assigned Residential Equivalent Units by the City Council after a recommendation by the City Engineer.

STATE OF WISCONSIN }
Trempealeau County ss.

LEGAL NOTICE

NOTICE

The City of Arcadia provides this notice pursuant to Wis. Stat. §62.11(4)(c) that the common council has adopted the following described ordinance:

a. City of Arcadia Ordinance No. 153, which repeals and recreates City of Arcadia Ordinance No. 153, relating to procedures, safeguards and funds to construct, operate and maintain the City of Arcadia Wastewater Treatment Facilities and to meet WPDES permit limits for the City of Arcadia Wastewater Treatment Facilities, and regulating the use and extension of, and service charges for, the City of Arcadia's sewer system.

b. City of Arcadia Ordinance No. 153 was enacted on August 13, 2009.

c. City of Arcadia Ordinance No. 153: (i) applies to all discharges of wastewater and sewage to the sewer system and wastewater treatment facilities of the City of Arcadia; (ii) regulates the use of and character of wastewater and sewage discharged to the sewer system and wastewater treatment facilities of the City of Arcadia; (iii) establishes a process for the review and approval of extensions of the sewer system of the City of Arcadia; (iv) imposes certain construction and design standards and requirements for extensions of the sewer system in the City of Arcadia; (v) regulates or prohibits certain practices for disposing of wastewater or sewage in the City of Arcadia; (vi) establishes connection and service charges and prescribes methods of payment and collection of those charges for the use of the sewer system and wastewater treatment facilities of the City of Arcadia; and (vii) imposes penalties for violations of Ordinance No. 153.

d. The full text of the ordinance may be obtained by contacting City of Arcadia Clerk Angela Berg at (608) 323-3359, or at 203 West Main Street, Arcadia, Wisconsin 54612, and the full text of the ordinance may be viewed at that address.

Angela Berg,
City of Arcadia Clerk

Annalea Rae Lange, being
duly sworn, doth depose and say that he (she) is an
authorized representative of THE ARCADIA
NEWS-LEADER, a newspaper published at Arcadia,
Wisconsin, and that an advertisement of which the
annexed is a true copy, taken from said paper, was
published therein on

08/20/09

(Signed) Annalea Lange
(Title) Advertising Manager

Subscribed and sworn to before me this 20th day of
August, 2009

Pamela K Watus
Notary Public, Trempealeau County, Wisconsin

My Commission expires December 23, 2012

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