

CHAPTER 13
MUNICIPAL UTILITIES

SUBCHAPTER I: BLACK RIVER FALLS WATER AND ELECTRIC UTILITY

- 13.01 Water and Electric Utilities Combined
- 13.02 Water and Electric Utility Commission
- 13.03 Utility Administrator
- 13.04 Rates, Rules and Regulations
- 13.05 Water Sprinkling Ban
- 13.06 Cross-Connection to Water Service
- 13.07 Private Well Abandonment
- 13.08 Offenses Involving Utility Systems
- 13.09 Well Head Protection Area Overlay District
- 13.10
- to
- 13.14 (Reserved)
- 13.15 Penalty

SUBCHAPTER II: BLACK RIVER FALLS SEWER UTILITY

- 13.16 Management of Black River Falls Sewer Utility
- 13.17 Definitions
- 13.18 Prohibited Discharges
- 13.19 Accidental Discharges
- 13.20 Pretreatment Facilities
- 13.21 Sand and Grease Trap Installations
- 13.22 Wastewater Measurement and Sampling
- 13.23 Industrial Waste Analysis
- 13.24 Wastewater Discharge Permit System
- 13.25 Access to Property
- 13.26 Confidentiality of Critical Information
- 13.27 Building Sewers and Connections
- 13.28 Damage to Utility Property
- 13.29 User Charges
- 13.30 Replacement Fund
- 13.31 Wastewater Service, Billing and Collection
- 13.32 Enforcement and Penalties
- 13.33 Denial of Wastewater Service
- 13.34
- To
- 13.39 (Reserved)

SUBCHAPTER III: GENERAL PROVISIONS

- 13.40 Joint Liability For Utility Bills
- 13.41 Collection of Utility Bills in Arrears
- 13.42 Outside Water and Sewer Service
- 13.43 Mandatory Connection to Sewer and Water

SUBCHAPTER I: BLACK RIVER FALLS WATER AND ELECTRIC UTILITY

13.01 WATER AND ELECTRIC UTILITIES COMBINED. The Water Utility and the Electric Utility shall be combined as one utility, to §66.0819, Wis. Stats., and shall be designated the Black River Falls Water and Electric Utility.

13.02 WATER AND ELECTRIC UTILITY COMMISSION.

The Water and Light Utility Commission shall hold regular monthly meetings and such special meetings called by the Chairperson or by a majority of the Commission as may be deemed necessary. Notice of every special meeting shall be given to each member. The times of holding regular meetings and the manner of calling special meetings shall be prescribed by the rules or bylaws of the Commission. Notice of all meetings shall be given in compliance with the Wisconsin Open Meeting Law.

(2) **QUORUM.** Three Commissioners shall constitute a quorum.

(3) **RECORD OF PROCEEDINGS TO BE KEPT.** The Commission shall keep a full and accurate record of its proceedings and transactions.

(4) **POWERS AND DUTIES.** (a) **General.** The Commission shall take entire charge and management of the Utility, appoint a Administrator and authorize such subordinates as may be necessary and fix their compensation, and shall supervise the operation of the Utility under the general control of the Council, pursuant to §66.0805, Wis. Stats.

(b) Construction, Contracts and Equipment. The Commission shall construct, extend, improve, operate and maintain the Utility, subject to the general control of the Council and the powers and jurisdiction of the Public Service Commission, provided that contracts for the performance of work or purchase of materials which exceed \$25,000 shall be let by the Council according to law. (See §62.15, Wis. Stats.)

(c) Policy. The Commission shall establish written policies to govern the Utility operations to cover employees' duties, customer rates, services, rules and termination procedures, expenditures of funds and other appropriate policies.

(d) Surety Bonds. The Commission may require surety bonds for any of the officers and employees of the Utility in such amounts as the Commission deems necessary. The premiums for the bonds shall be paid by the Utility in the same manner as any other operating expense.

(e) Extension of Water Services. The Utility may extend water services beyond the City limits only to the extent authorized by the Council, pursuant to §66.0813, Wis. Stats.

(f) Rates. Rates shall be sufficient to pay all operating and maintenance expenses of each respective utility operation and all bond interest and redemption costs of the respective utility operation. All electric and water rates shall be established by the Wisconsin Public Service Commission.

MUNICIPAL UTILITIES 13.02(4)

(g) Receipts and Expenditures. The receipts of the Utility from any and all sources shall be paid to the City Treasurer. All statements and bills shall be made and issued by the Utility Administrator under the direction of the Commission. Departmental expenditures and expenses of the Commission shall be audited by the Commission and, when approved by resolution and filed with the City Treasurer, shall be paid by the Treasurer by the voucher of the Commission and shall be signed by the Secretary of the Commission, the Treasurer and the Administrator or President of the Commission.

(h) Investment of Surplus Funds. The Commission may invest surplus funds of the Utility only as authorized by §66.0811(2), Wis. Stats.

(i) Budget. The Commission shall, annually, supervise and be responsible for the preparation of a separate budget for each utility.

(j) Audit. The funds and accounts of the Utility shall be audited annually by a certified public accountant and shall be open to public inspection.

13.03 UTILITY ADMINISTRATOR, (1) APPOINTMENT. See sec. 1.03 of this Code.

(2) **POWERS AND DUTIES.** The Utility Administrator, subject to the control of the Utility Commission, shall:

(a) Appoint, discharge and supervise all employees of the Utility.

(b) Execute or cause to be executed the ordinances, rules and regulations of the Council and the Utility Commission relative to the Utility.

(c) Superintend the operation of the Utility and all property, buildings, pipes, mains and machinery thereof belonging to the Utility and the execution of all contracts relating to said departments entered into by the Utility Commission or the Council.

(d) Keep accurate records of all accounts and claims for and against the Utility and of all extensions, additions, changes, alterations and attachments to the water, heat and electric systems and of all meters and the location thereof.

13.04 RATES, RULES AND REGULATIONS. (1) GENERAL. The rates, rules and regulations of the Utility shall be those approved by the Council and on file and approved by the Wisconsin Public Service Commission.

(2) **OPERATING RULES.** All persons now receiving a water or electric supply from the Utility or who may hereafter make application therefore shall be considered as having agreed to be bound by all rules and regulations as filed with the Wisconsin Public Service Commission.

MUNICIPAL UTILITIES 13.04(3)

(3) **PSC RULES AND REGULATIONS APPLICABLE.** All applicable Public Service Commission rules and regulations which are presently in existence or as subsequently amended are incorporated herein by reference. Copies of all current Public Service Commission rules and regulations shall be kept on file in the offices of the City Clerk and the Utility.

13.05 WATER SPRINKLING BAN. (1) **ESTABLISHED.** The Utility Administrator shall have the sole discretion to establish a water-sprinkling ban within the City when such ban is necessary to protect the water resources of the City. The Administrator shall establish a water-sprinkling ban upon any guidelines that in his opinion are fair and reasonable and which would alleviate improper usage of water by the citizens of the City.

(2) **NOTICE.** In order to inform the citizens of the City of a water-sprinkling ban, the Administrator shall contact the appropriate media indicating the nature of the ban to be imposed. After such notification, the sprinkling ban shall become immediately effective under the terms and conditions established by the Administrator.

(3) **PENALTIES.** Any person who shall violate the terms of the water-sprinkling ban shall, upon conviction thereof, be subject to a forfeiture together with the costs of prosecution as follows:

- (a) First Violation. \$10.
- (b) Second Violation. \$20.
- (c) Subsequent Violations. \$25 each.

13.06 CROSS-CONNECTION TO WATER SERVICE. (1) **DEFINED.** A cross-connection shall be defined as any physical connection or arrangement between 2 otherwise separate systems, one of which contains potable water from the City water system and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

(2) **CROSS-CONNECTION AND INTERCONNECTION RESTRICTED.** No person shall establish or maintain 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 Utility Administrator and by the State Department of Natural Resources in accordance with Wis. Adm. Code NR 810.15.

(3) **DUTY TO INSPECT.** It shall be the duty of the Utility Commission to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Commission and as approved by the Wisconsin Department of Natural Resources.

MUNICIPAL UTILITIES 13.06 (4)

(4) **RIGHT OF ENTRY.** Upon presentation of credentials, the representative of the Utility 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 566.0119, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) **ENFORCEMENT.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists, and to take such other precautionary measures necessary to eliminate danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under ch. 6 of this Code, except as provided in sub. (6) below. Water service to such property shall not be restored until

the cross-connection has been eliminated in compliance with the provisions of this section.

(6) **EMERGENCY DISCONTINUANCE.** If it is determined by the Utility Commission 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 and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under ch. 6 of this Code within 10 days of such emergency discontinuance.

(7) **STATE CODE ADOPTED.** The State Plumbing Code, Wis. Adm. Code COMM 62, is hereby adopted by reference.

13.07 PRIVATE WELL ABANDONMENT. (1) **PURPOSE.** The purpose of this section is to prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or other materials to reach the usable ground water. These wells must be properly filled and sealed.

(2) **ABANDONMENT REQUIRED.** All private wells located on any premise which is served by the public water system of the City shall be properly filled and sealed no later than one year from the date of connection to the municipal water system. Only those wells for which a well operation permit has been granted by the Utility Commission may be exempted from this requirement, subject to the conditions of proper maintenance and operation.

(3) **WELL OPERATION PERMITS.** A permit may be granted by the Utility to a well owner to operate a well for a period not to exceed five (5) years if the following requirements are met. Application shall be made on forms furnished by the Utility.

(a) The well and pump installation meet the requirements of Wis. Adm. Code NR 812 and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.

(b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by one (1) sample tested and deemed safe by a certified laboratory.

MUNICIPAL UTILITIES 13.07(3)

(c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

(d) No physical connection shall exist between the piping of the public water system and the private well and must be verified by a Utility representative.

(e) Renewals for the well operating permit shall be obtained at five (5) year intervals following issuance of the original permit and shall require only one water sampling as set forth in par. (b) above.

(f) 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.

(g) The well and pump system shall be evaluated by a licensed well driller or pump installer and certified to comply with Wis. Adm. Code NR 812 subch. IV, prior to issuing the initial permit and no less than every ten (10) years afterwards.

(4) METHOD OF ABANDONMENT. Wells to be abandoned shall be filled and sealed according to the procedures outlined in Wis. Adm. Code NR 812. The pump and piping must be removed and the well checked for obstructions prior to the plugging. Any obstruction or well liner must be removed. All costs of required work and materials shall be paid for by the property owner.

(5) REPORTS AND INSPECTION. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency which are available at the office of the Water Utility. The report shall be submitted immediately upon completion of the filling and sealing of the well. The well filling and sealing must be observed by an authorized representative of the Utility Commission.

(6) PENALTY. Any person violating any provision of this section shall, upon conviction, be punished by a forfeiture of not less than \$200 nor more than \$1,000, together with the costs of prosecution. Each 24 hour period during which a violation exists shall be deemed and constitute a separate offense.

13.08 OFFENSES INVOLVING UTILITY SYSTEMS. (1) OPENING AND CLOSING FIRE HYDRANTS OR STOP COCKS. No person shall open or close any fire hydrant valve or stop cock connected with the water works system of the City without the permission of the Utility Administrator, except in case of fire, and then only under the direction of the Fire Chief.

(2) TAMPERING WITH METERS; USING FALSE METERS. No person shall tamper with a utility meter or use a false utility meter.

(3) COVERING OR CONCEALING METERS PROHIBITED. No person shall cover or conceal from view or remove any meter placed by the City, its employees or agents, except authorized City officials or City employees when acting in their official capacity.

(4) CONNECTIONS WITH MAIN, LINE OR SERVICE OF UTILITIES. No person, unless acting under the authority of the Council, the Utility Commission or the Utility Administrator, shall make or permit to be made any connections with a main, line or service system of any utility or turn on

or use any water, electricity or heat, or service of any utility without first obtaining a permit therefore from the Administrator.

13.09 WELL HEAD PROTECTION AREA OVERLAY DISTRICT. See sec. 17.24 of this Code.

13.10 to 13.14 (Reserved)

13.15 PENALTY. Any person who shall violate any provision of the rules and regulations of the Utility adopted pursuant to this subchapter shall be subject to the penalty as provided in sec. 25.04 of this Code.

SUBCHAPTER II: BLACK RIVER FALLS SEWER UTILITY

13.16 MANAGEMENT OF BLACK RIVER FALLS SEWER UTILITY. The Black River Falls Sewer Utility shall be managed by the Black River Falls Water and Electric Commission, as a separate utility, under the general direction of the Council.

13.17 DEFINITIONS. (1) **ACT.** The Federal Water Pollution Control Act (33 U.S.C. 11 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243, and Pub. L. 92-243, or modified by Ch. 147, Wis. Stats., or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Ch. 147, Wis. Stats.

(2) **ADMINISTRATOR.** The treatment plant and shall be operations and functions of the Administrator of the wastewater in charge of and supervise the plant.

(3) **APPROVING AUTHORITY.** The Black River Falls Water and Electric Utility Commission.

(4) **BOD.** The quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for 5 days at a temperature of 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

(5) **COLLECTION SYSTEM.** The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.

(6) **DEBT RETIREMENT.** The annual costs of principal and interest incurred by the Commission on the wastewater treatment facility.

(7) **DEPRECIATION.** Funds set aside annually for the following:

(a) Purchase and installation of new equipment or modifications to existing facilities which will improve the operation and performance of the wastewater treatment facilities or wastewater pumping stations.

(b) Purchase of trucks and heavy equipment needed for operation and maintenance.

MUNICIPAL UTILITIES 13.17 (7)

- (c) Purchase of office and accounting equipment.

(8) **DOMESTIC WASTEWATER.** Water-borne wastes normally being discharged for the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the total of suspended solids, (TSS) is established at or below 300 mg/l, the BOD is established at or below 250 mg/l, phosphorus at or below 10mg/l, chlorides at or below 100 mg/l, and ammonia nitrogen at or below 40 mg/l.

(9) **INDUSTRIAL USER.** Any nongovernmental, nonresidential user of publicly-owned treatment works which discharges more than the equivalent of 10,000 gallons per day (GPD) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under Division A. Agriculture, Forestry and Fishing; Division E. Transportation, Communications, Electric, Gas and Sanitary Services; and Division I. Services. In determining the amount of a user's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences. After applying the sanitary waste exclusion, discharges in the above divisions that have a volume exceeding 10,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 10,000 GPD of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

(10) **INDUSTRIAL WASTE.** Any water-borne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.

(11) **OPERATION AND MAINTENANCE COST.** Expenditures made by the Commission in the operation and maintenance of its wastewater treatment facilities and wastewater pumping stations consisting of and limited to the actual sums spent for each and all of the following purposes:

- (a) Wages and salaries of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State Workmen's Compensation Coverage and Public Employee's Retirement Act benefits.

- (b) Electrical power.
- (c) Chemicals, fuel and other operating supplies.
- (d) Repairs to and maintenance of the equipment associated therewith.
- (e) Premiums for hazard insurance.

(f) Premiums for insurance providing coverage against liability for the injury to persons and/or property.

(g) Rents and leasing costs.

(h) Operation, licensing and maintenance costs for trucks and heavy equipment.

(i) Consultant and legal fees.

(j) Replacement.

(12) pH. The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in "Standard Methods."

(13) REPLACEMENT. Expenditures for obtaining and installing equipment, accessories and appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance of which such works were designed and constructed.

(14) SANITARY SEWER. A sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally passed.

(15) SEPTAGE. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(16) SLUG. A sudden increase in sewage discharge that may tend to overload the receiving sewer.

(17) STANDARD METHODS. The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.

(18) STORM SEWER. A sewer which carries storm and surface drainage, but excludes domestic wastewater and industrial wastes.

(19) SURCHARGE. An additional charge related to industrial wastes being discharged by any user having unusual characteristics such as excessive BOD, excessive suspended solids or other pollutants.

(20) SUSPENDED SOLIDS. Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."

MUNICIPAL UTILITIES 13.17 (21)

(21) UNPOLLUTED WATER or WASTEWATER. Water or waste containing none of the substances or characteristics defined under sec. 13.18 of this chapter and shall contain not more than 30 mg/1 each of suspended solids and BOD.

(22) USER. Any person discharging domestic wastewater or industrial wastes into the collection system.

(23) USER CHARGE. A charge levied on users of a wastewater works for the cost of operation and maintenance, including replacement, of the wastewater treatment facilities and wastewater pumping stations and local capital costs such as debt retirement, depreciation and previous year operating debt.

(24) USER CLASS. A group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.

(25) WASTE. Any solids, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions and industrial establishments into the collection system or storm sewer.

(26) WASTEWATER. A combination of the water-carried waste discharged into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water may be present.

(27) WASTEWATER PUMPING STATION. A pumping facility utilized to pump wastewater within the collection system.

(28) WASTEWATER TREATMENT FACILITIES. Any Commission owned facility, devices and structures used for receiving and treating wastewater from the City collection system.

(29) WASTEWATER WORKS. All facilities for collecting, pumping, treating and disposing of domestic wastewater and industrial wastes.

(30) WPDES PERMIT. A permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Ch. 147, Wis. Stats.

13.18 PROHIBITED DISCHARGES. (1) No person shall discharge or cause to be discharged any storm water, ground water, roof run-off, yard drainage, yard fountain or pond overflow into the collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet. Unpolluted water or wastewater may be discharged upon prior written approval of the Administrator.

(2) No person shall discharge or cause to be discharged to the collection system, either directly or indirectly, any of the following described wastes or wastewater:

(a) Any liquid having a temperature higher than 150° F.

(b) Any wax, grease or oil, plastic or any other substances that will solidify or become discernibly viscous at temperatures between 32° to 150° F.

MUNICIPAL UTILITIES 13.18 (2)

(c) Any solids, liquids or gases which, by themselves or by interaction with other substances, may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the wastewater works.

(d) Any solids, slurries or viscous substances of such character as to be capable of causing obstruction of the flow in the collection system or storm sewers, or interferes with the proper operation of the wastewater works.

(e) Any garbage that has not been properly comminuted or shredded.

(f) Any noxious or malodorous substance which, either singly or by interaction with other substance, is capable of causing odors objectionable to persons of ordinary sensitivity.

(g) Any wastes or wastewater having a pH lower than 5.5 or higher than 10.5 or having any corrosive property capable of causing damage or hazards to the wastewater works or personnel.

(h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the wastewater works.

(i) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the wastewater works, or which could cause the wastewater treatment facilities to discharge any pollutants such as cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin in quantities in excess of the limitations established in the Wisconsin Administrative Code or the WPDES permit.

(j) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.

(k) Free or emulsified oil and grease exceeding on analysis on average of 100 mg/l of either or both or combinations of free or emulsified oil and grease if, in the opinion of the Administrator, it appears possible that such wastes or wastewater:

1. Can deposit grease or oil in the collection system in such a manner as to cause it to clog.

2. Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes.

3. Can have deleterious effects on the wastewater treatment process due to the excessive quantities.

(l) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of 1/2 mg/l by weight as cyanide in the wastes.

(m) Wastes or wastewater which:

1. Causes unusual concentrations position as, for example, in total suspended nature such as Fuller's Earth and/or in total such as sodium chloride or sodium sulfate.
2. Cause excessive discoloration in the wastewater treatment facilities discharge.
3. Has BOD in excess of 900 mg/1 based upon a 24-hour composite sample.
4. Has a total BOD or suspended solids loading in excess of the wastewater discharge permit described in sec. 13.24 of this chapter.
5. Is discharged without application for a wastewater discharge permit or contractual agreement as required under sec. 13.24 of this chapter.
6. Cause damage to the collection system or impair the treatment process.

(3) No person shall permit the discharge of sludge or water or wastes to the collection system which may be harmful to the operation of the wastewater works. Where, in the opinion of the Administrator, sludging does occur, each person producing such a discharge into the collection system shall construct and maintain, at his own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24 hour period.

(4) No person shall discharge any waste or wastewater which would cause the wastewater treatment facilities to be in violation of any of the requirements of his WPDES permit.

(5) No person shall connect to and discharge to the collection system unless there is capacity available in all downstream components of the wastewater works as determined by the Utility Administrator.

13.19 ACCIDENTAL DISCHARGES. Any person who accidentally discharges wastes or wastewater prohibited under sec. 13.18 of this chapter into the wastewater works or storm sewer shall immediately report such discharge to the Administrator.

13.20 PRETREATMENT FACILITIES. (1) The approving authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste if the waste or wastewater:

- (a) Could cause damage to the collection system.
- (b) Impair the treatment process.
- (c) Cause the Commission to incur treatment costs exceeding those of domestic wastewater.
- (d) Have any of the characteristics of the prohibited discharges described in sec. 13.18 of this chapter.

MUNICIPAL UTILITIES 13.20 (1)

(e) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids or any pollutant.

(f) Cause a particular industry to exceed its design allocation for volume, BOD, suspended solids or any other pollutant.

(2) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.

(3) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Administrator prior to the start of construction.

(4) In accordance with Wis. Adm. Code NR 114, all pretreatment facilities shall be operated by qualified personnel holding a Class 5 license issued by the Wisconsin Department of Natural Resources.

13.21 SAND AND GREASE TRAP INSTALLATIONS. Grease, fats, oil and sand interceptors shall be provided at all commercial and industrial establishments, including, but not limited to, repair garages, gasoline stations, car washes and restaurants for the proper handling of liquid wastes containing grease, fats, oil, flammable wastes, sand and other harmful ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection. All grease, fats, oil and sand interceptors shall be regularly maintained by the owner, at his expense, in continuous efficient operation at all times. Commencing September 1, 1996, the owner shall record, on forms approved by the City, all sand and grease trap inspections and cleaning services performed. Each entry recorded shall include the date, type of service, quantities of material removed and disposition of material removed. Each recorded service shall also include the signature of the servicing employee or servicing agency representative. The servicing agency will be required to provide records and documentation to City Hall within twenty-four hours of the time the grease trap is serviced. The agency's documentation must include the total and available capacity of the grease trap at the time of servicing and the servicing agency's recommendation for the frequency of future servicing of the grease trap. All such records shall be available for inspection by the Commission upon request at any time. In addition to the above-listed requirements, all commercial and industrial establishments shall be required to submit to the City an annual report summarizing all sand and grease trap inspections and cleaning services performed in the calendar year. Said report shall be due no later than January 10th of each year summarizing all such activity in the prior calendar year and shall be provided on the form authorized by the City.

13.22 WASTEWATER MEASUREMENT AND SAMPLING. (1) The water consumption, as determined from the meter records of the Water Department, shall be the basis for computing the wastewater flow unless:

(a) The water is contained in a product or is evaporated or is discharged as unpolluted water or waste to surface drainage. In such cases, an application may be made for a reduction in the volume of wastewater discharged to the collection system, providing supporting data satisfactory to the

MUNICIPAL UTILITIES 13.22 (1)

Administrator is furnished. This data shall include a flow diagram, destination of water and/or wastewater, supported by submetering data installed on such process piping at the expense of the user.

(b) The water is condensed from a product so that the quantity of wastewater is increased over the amount of water being metered. In such cases, the increased flow shall be measured in a manner which is acceptable to the Administrator and added to the flow obtained from the water meter readings.

(c) When water for sprinkling lawns is metered separately, no user charge shall be made.

(d) Any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system which is supplied in whole or in part with water not obtained from the Commission, the owner or occupant of such property shall cause to be installed necessary metering equipment as approved by the Administrator to measure the quantity of water pumped or discharged to the collection system. The user charge shall be based on the quantity of water so

(e) measured. Whenever the person fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Administrator shall determine the estimated volume of water discharged into the wastewater works.

(2) The Administrator may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined from metered water consumption records or if the user discharges over 10,000 gallons on any day. The metering devices shall be owned and maintained by the person and may not be removed without consent of the Administrator.

(3) **CONTROL/SAMPLING STRUCTURES.** All persons discharging industrial wastes into the wastewater works shall construct and maintain control/sampling structures manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all the person's wastes or wastewater. Control/sampling structures shall be located and constructed in a manner approved by the Administrator. Plans shall be submitted to the Administrator prior to construction.

13.23 INDUSTRIAL WASTE ANALYSIS. (1) The Commission shall collect samples and perform laboratory tests on industrial waste discharges as necessary to verify the quantity of flow and character and concentration of an industrial waste. The Commission's test results shall be used to determine the applicable surcharge.

(2) Waste or wastewater discharge may be sampled manually or by the use of mechanical equipment as necessary to obtain a representative 24-hour composite sample. Samples shall be taken at intervals to be established by contractual agreement under sec.13.24 of this chapter or at such intervals as determined by the Administrator.

(3) When Wis. Adm. Code NR 101 or 202 require the submittal of the character and concentration of wastes, waste volume and production information to the Commission or the Wisconsin Department of Natural Resources, the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and DNR reports shall be submitted to the Administrator.

MUNICIPAL UTILITIES 13.23 (4)

(4) All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with "Standard Methods" or 40 CFR 126. Alternate methods of analysis may be used, subject to prior written approval of the Administrator.

13.24 WASTEWATER DISCHARGE PERMIT SYSTEM. (1) WASTEWATER DISCHARGE REQUIRED. A wastewater discharge permit is required under this section if a person's discharge into the wastewater works has any of the following characteristics:

- (a) A BOD greater than 250 mg/l.
- (b) A TSS concentration greater than 300 mg/l.
- (c) Chlorides greater than 100 mg/l.
- (d) Phosphorus greater than 10 mg/l.
- (e) Ammonia nitrogen greater than 40 mg/l.
- (f) A volume of 10,000 gallons per day or greater is discharged by any user at one or more points of discharge.
- (g) Any of the characteristics listed under sec. 13.18 of this chapter.
- (h) Any such persons planning to discharge or change the characteristics of their discharge or whose discharge permit has expired shall make application to the Administrator within 60 days prior to the discharge. A discharge permit shall be required for each separate point of discharge into the wastewater works. No person shall discharge waste or wastewater into the wastewater works without a wastewater discharge permit if required by this section.

(2) PERMIT APPLICATION. Users seeking a wastewater discharge permit shall complete and file with the Administrator an application on the form prescribed by the Administrator. In support of this application, the user shall submit the following information:

- (a) Name, address and standard industrial classification number of applicant.
- (b) Average daily volume of wastewater to be discharged.
- (c) Wastewater constituents and characteristics as determined by a method approved by the Administrator.
- (d) Time and duration of discharge.
- (e) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.

MUNICIPAL UTILITIES 13.24 (2)

- (g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
- (h) Each product produced by type, amount and rate of production.
- (i) Number and type of employees and hours of work.
- (j) Any other information as may be deemed by the Administrator to be necessary to evaluate the permit application.

The Administrator shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Administrator may issue a wastewater discharge permit subject to terms and conditions provided herein.

(3) PERMIT CONDITIONS. Wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other regulations, user charges and fees established by the approving authority. The conditions of wastewater discharge permits shall be uniformly enforced by the Administrator in accordance with this subchapter and applicable State and Federal regulations. Permit conditions shall include the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater works.
- (b) The average and maximum wastewater constituents and characteristics.
- (c) Limits on rate and time of requirements for flow regulations and equalization.
- (d) Requirements for installation of control manholes.
- (e) Pretreatment requirements.
- (f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Administrator and affording the Commission access thereto.
- (g) Average and maximum pollutant concentrations and total daily average and maximum pollutant discharges for all pollutants subject to limitations and prohibitions which are present in the user's wastewater discharge.
- (h) All persons required to make application for a wastewater discharge permit shall, before issuance of the permit, enter into a contractual agreement with the Commission. The contractual agreement shall contain the conditions set forth in the discharge permit, requirements for industrial cost recovery charges and other items deemed necessary by the approving authority.
- (i) Other conditions as deemed appropriate by the Administrator to insure compliance with this subchapter.

MUNICIPAL UTILITIES 13.24 (4)

(4) **DURATION OF PERMITS.** A permit shall be issued for one year and shall be automatically renewed on a year to year basis thereafter unless the person is notified by the Administrator prior to the expiration of the permit or any renewal thereof. After such notification by the Administrator, the permit shall expire at the end of that year. The terms and conditions of the permit shall be subject to modification and change by the Administrator during the life of the permit if so required because of any ordinance, statute or rule and regulation of the approving authority or any applicable State or Federal body. The person shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(5) **TRANSFER OF A PERMIT.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation.

(6) **REVOCAION OF PERMIT.** Any user who violates any of the conditions of his permit, contractual agreement or this subchapter, or of applicable State and Federal regulations, is subject to having his permit revoked.

13.25 ACCESS TO PROPERTY. The Commission shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter.

13.26 CONFIDENTIALITY OF CRITICAL INFORMATION. When requested by the user furnishing a report or permit application or questionnaire, the portions of the report or other document which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be available for use by the Commission or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

13.27 BUILDING SEWERS AND CONNECTIONS. No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the City. All connections shall be inspected by the Building Inspector and shall be in conformance with the Plumbing Code.

13.28 DAMAGE TO UTILITY PROPERTY. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater works.

13.29 USER CHARGES. (1) The approving authority shall make charge sewer rates sufficient to recover the cost of operation and maintenance, including depreciation/replacement cost. The rate structure shall insure that revenue from rate payers be sufficient to recover the cost of providing the services. In designing rates, expenses are allocated to customers based on a cost of service study, i.e., based on the costs to collect and treat the wastewater contributed by these customers. The rate structure shall be based on the cost to collect and treat the flow, BOD and total suspended solids, and shall include debt retirement and operation, maintenance and replacement costs. The approving authority shall maintain the proportionate distribution of operation, maintenance and replacement costs among

MUNICIPAL UTILITIES 13.29(1)

users. The approving authority shall generate sufficient revenues through the wastewater user charges to pay the total operation, maintenance and replacement costs. Excess revenues collected from a user class shall be applied to the operation, maintenance and replacement costs attributed to that user class for the next year.

(2) Costs shall be reviewed annually. A rate increase shall be instituted if rate adjustment is required to earn adequate revenue. Rate changes shall be implemented by resolution of the approving authority.

(3) Initial rates shall be adequate to insure that the revenues can meet the expenses projected in the user charge rate study on file in the office of the City Clerk.

(4) The user charge shall be determined by applying the user charge formula and customer service rules, as follows:

$$UC = F [(UFOM\&R + UFC + CS) + 0.00834 [(BOD5 (UBOM\&R + UBC) + (TSS)(UROM\&R + UTC))]]$$

Where:

- UC = User Charge
- UFOM&R = Unit cost of OM&R for treatment of flow
- UFC = Unit cost of construction related expenditures for treatment of phosphorous
- UBOM&R = Unit cost of OM&R for treatment of BOD
- UBC = Unit cost of construction related expenditures for treatment of BOD5
- UTOM&R = Unit cost of OM&R for treatment of TSS
- UTC = Unit cost of construction related expenditures for treatment of TSS
- UPOM&R = Unit cost of OM&R for treatment of phosphorus.
- UPC = Unit cost of construction related expenditures for treatment of phosphorus.
- F = Billable flow in 1,000 gal./quarter
- BOD5 = Concentration of BOD in mg/l
- TSS = Concentration of TSS in mg/l
- CS = Unit cost for collection system maintenance

GENERAL SEWER SERVICE – METERED WATER

Available for sewage contributors discharging domestic strength sewage up to 250 mg/l BOD and 300 mg/l total suspended solids. User charge shall be based on the user charge formula, assuming BOD and TSS concentrations and equal to the average for residential customers in the City. These concentrations are identified in User Charge Rate Study and will be reviewed during rate adjustments.

Billing:

Bills for sewer service shall be included as part of the bill for metered water. A late payment charge shall be added to bills. This late payment charge is applicable to all customers.

When the sewage from any contributor does not exceed the strength limitations of 250 mg/l for BOD and 300 mg/l for total suspended solids, the sewer bill shall be calculated under “General Water Service –Metered Water.” Where the waste of any contributor exceeds either of the above strengths, a periodic sampling shall be taken and the sewage analyzed to determined the strength of said waste which shall be billed in accordance with the user charge formula.

COMMERCIAL AND INDUSTRIAL SEWER SERVICE - METERED WATER

When the sewage from any contributor does not exceed the strength limitations of 300 mg/l for BOD and 250 mg/l for suspended solids, the sewer bill shall be calculated under "General Water Service -- Metered Water." Where the waste of any contributor exceeds either of the above strengths, a periodic sampling shall be taken and the sewage analyzed to determined the strength of said waste which shall be billed in accordance with the user charge formula.

GENERAL SEWER SERVICE - UNMETERED WATER

(5) Any person discharging an industrial waste of such character that it causes the Commission to incur additional expenses for treatment to the extent that the expenses are not covered by existing user charges or surcharges, the person making the discharge shall pay the added cost of handling and treating the wastewater.

(6) All liquid wastes from all septic tanks and dry wells to be disposed of within the City by either public or private means shall be disposed of at the wastewater treatment facilities. The charges for such disposal of septage shall be in accordance with use charge formula, assuming the EPA mean concentration for septic tank sludge, i.e., BOD of 5,000 mg/l and TSS of 15,000 mg/l, unless documentation is provided to demonstrate otherwise. An additional fee shall be added to cover the administration costs associated with monitoring and billing the haulers.

13.30 REPLACEMENT FUND. There shall be established a separate fund in the Sewer User Charge Revenue Fund dedicated for replacement of equipment as defined in sec. 13.17(13) of this chapter. Sewer user charge rates are designed to include a component for recovery of replacement cost.

MUNICIPAL UTILITIES 13.30

Annual revenues collected for replacement shall be deposited and maintained in a separate replacement fund. This account is to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for the authorized use only with the approval of the proper approving authority.

13.31 WASTEWATER SERVICE, BILLING AND COLLECTION. Customer billing and collection regulations and procedures shall be those as set forth in sec. 13.41 of this chapter.

13.32 ENFORCEMENT AND PENALTIES. (1) **NOTIFICATION OF VIOLATION.** Any person found in violation of this subchapter or of any prohibition, limitation or requirement contained herein or of any contractual agreement or wastewater discharge permit, referred to herein, shall be prosecuted in accordance with this Code.

(2) **VIOLATIONS.** In addition, any person who fails to comply with any of the provisions of this subchapter or with an order of the approving authority issued in pursuance of this subchapter, or shall tamper with metering or sampling, shall be liable to the Commission for any expense, loss or damage occasioned by such violation, including reasonable attorneys' fees and other expenses or litigation in accordance with applicable City ordinances. Each day a condition is permitted to exist which is contrary to all or any part of this subchapter shall constitute a new violation.

(3) **PENALTIES.** In addition to all other remedies available to the City, any party who shall violate any part of this subchapter shall be subject to a daily fine of \$2,500.00 with each day of continuing violation being a separate violation.

13.33 DENIAL OF WASTEWATER SERVICE. Requests for sewer connections shall be denied if the approving authority determines that there is either insufficient collection system capacity downstream of the connection or insufficient capacity to treat any additional wastewater at the wastewater treatment facilities.

13.34 to 13.39 (Reserved)

SUBCHAPTER III: GENERAL PROVISIONS

13.40 JOINT LIABILITY FOR UTILITY BILLS. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Utilities only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Utilities.

13.41 COLLECTION OF UTILITY BILLS IN ARREARS. (1) **AUTHORITY.** All water, sewer and electric service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in §§66.0809(3), 66.0821(4)(c) and 66.0827, Wis. Stats., respectively.

(2) **PROCEDURE.** (a) On or about October 1 of each year the Utility Commission shall furnish the City Treasurer a list of all unpaid utility bills, including penalties, which are in arrears.

MUNICIPAL UTILITIES 13.41(2)

(b) On October 15 of each year, the Treasurer shall mail a notice of such arrearages by first class mail to the occupant and to the owner of the premises receiving such utility service.

(c) In the event any such utility bill is not paid by November 1 thereafter, the Treasurer shall add a penalty of 10%.

(d) In the event any such utility bill is not paid on or before November 15 thereafter, the Treasurer, on November 16, shall certify a list of the properties for which payments are in arrears and which notice has been given, and the City Clerk shall place the amount of such arrearages, together with penalty, on the tax roll as a tax against the lot or parcel of real estate for which water, sewer and electric services were provided.

(3) HEARING. In the event any owner or occupant shall dispute the delinquency, in writing, to the City Clerk before November 15, a hearing on the dispute shall be held before the Utility Commission within 60 days unless the time for hearing is extended by the Commission. The delinquency shall not become a lien during the pendency of the dispute. Unless modified by the Commission after hearing, the delinquency shall become a lien on the real estate as provided in par. (2) above as of the date of delinquency.

13.42 OUTSIDE WATER AND SEWER SERVICE. No water or sewer service shall be extended outside the City limits, except as authorized by the Council.

13.43 MANDATORY CONNECTION TO SEWER AND WATER. (1) NOTICE TO CONNECT. Whenever the public sewer or water system is within 100 feet of any public, commercial, mercantile or business building or any building used for human habitation, the owners thereof shall be prohibited from replacing an existing private sewer or private water system. At such time as the existing private sewer or private water system becomes inoperable, the owner thereof shall be required to connect to the public sewer or water system.

(2) PRIVIES AND WATERLESS TOILETS. After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building.