

CHAPTER 430

REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEW AGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE CITY OF RICHLAND CENTER'S WASTE WATER SYSTEM

[History: Ord 2005-6, 2012-18]

430.00 INTRODUCTION AND GENERAL PROVISIONS.

This Chapter regulates the use of public and private sewers and drains, and the discharge of waters, wastes, and septage into the City of Richland Center's wastewater system. It provides for and explains the method used for levying and collecting wastewater service charges, sets uniform requirements for discharges into the wastewater system and enables the City of Richland Center to comply with statutes, administrative code provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or by federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the City wastewater system.

This Chapter provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining an adequate wastewater system and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Chapter shall supersede any previous Ordinance, Rules or Regulations, and shall repeal all parts thereof that may be inconsistent with this Chapter. If there is any conflict between this Chapter and any applicable provision of the Wisconsin Statutes, such statute shall be controlling.

The Common Council further finds that the use, protection and maintenance of the City of Richland Center's wastewater system is directly related to the protection of the health, safety and public welfare of the City and its citizens. The Common Council hereby declares that any act or omission contrary to the provision of this Chapter constitutes a public nuisance and may be proceeded against as such.

430.01 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the following terms as used in this Chapter shall be as follows:

(1) AMMONIA OR AMMONIA-NITROGEN (NH₃-N) means the quantity of elemental nitrogen present, in which nitrogen is combined with hydrogen in the molecular form as NH₃, or in the ionized form as NH₄⁺ expressed in milligrams of N per liter. Quantitative determination of ammonia-nitrogen shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.

(2) BOD (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter. The quantitative determination of BOD shall be made in

accordance with procedures set forth in Standard Methods, and as approved in ch. NR219 of the Wisconsin Administrative Code.

(3) BUILDING DRAIN means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the lateral, beginning two (2) feet outside the outside face of the : building wall.

(4) BUILDING INSPECTOR shall mean the Building Inspector of the City of Richland Center, or said person's appointed assistant, agent, or representative.

(5) CATEGORICAL PRETREATMENT STANDARD shall mean any standard specifying quantities of concentrations of pollutants or pollutant properties that may be discharged to the wastewater facilities by industrial users in specific industrial categories. The "applicable categorical pretreatment standard" shall mean the most restrictive pretreatment limitations or prohibitive standards for industrial wastewater that are enacted by a federal, state, or local governmental entity.

(6) CITY means the City of Richland Center, Wisconsin, the Common Council of Richland Center, or the Richland Center Utility Commission and their employees, as appropriate in the context of the use of the term.

(7) CLEAR WATER shall mean water having no impurities, or where impurities are, below a minimum concentration considered harmful by the Wisconsin Department of Natural Resources, and would not be benefitted by discharge to the wastewater treatment facility provided. Sources of clear water include inflow and infiltration.

(8) COMPATIBLE POLLUTANT means BOD, suspended solids, pH and fecal coliform bacteria and such additional pollutants as are now or shall be in the future specified and controlled in the City's WPDES permit for its wastewater treatment plant where said treatment V. plant has been designed and used to reduce or remove such pollutants.

(9) DEBT SERVICE shall mean a liability for a project incurred in the provision of the City's wastewater facilities, including general obligation bonds, revenue bonds, promissory notes, and special assessment bonds with both principal and interest.

(10) DOMESTIC WASTES means liquid wastes (a) from the non-commercial preparation, cooking and handling of food, or (b) containing human excrement and similar matter from the sanitary convenience or dwellings, commercial buildings industrial facilities, and institutions.

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

(12) FLOW PROPORTIONAL COMPOSITE SAMPLE shall mean a combination of individual samples taken during operating or discharge hours, whichever is longer, where the individual samples are taken at frequent intervals not exceeding 15 minutes, and are either:

- (a) Such that the volume of each is proportional to the rate of flow at the time it is taken, or
- (b) Of equal volume and taken at intervals such that there is a constant volume of discharge during each interval

(13) GARBAGE means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and the handling, storage, and sale of produce.

(14) GRAB SAMPLE shall mean a single sample taken at one moment or a combination of several smaller samples of equal volume taken in less than a 2 minute time period. Where the term is used in connection with monitoring temperature or pH, it means a single measurement.

(15) GREASE INTERCEPTOR shall mean a watertight receptacle designed to intercept and retain grease or fatty substances contained in kitchen and other food wastes. (Grease interceptor and grease trap mean the same thing.

(16) HOLDING TANK shall mean an approved watertight receptacle for the collection and holding of sewage.

(17) HOLDING TANK WASTE shall mean the scum, liquid, sludge, or other waste from holding tanks such as chemical toilets, campers, trailers, vacuum pump trucks, and other temporary holding facilities that collect wastewater from a user. "Holding tank waste" does not include sludge, or waste from a soil absorption field septic tank, privy, or grease trap

(18) INCOMPATIBLE POLLUTANT means any pollutant which is not a "compatible " "pollutant" as defined in this section.

(19) INDUSTRIAL DISCHARGE PERMIT means a permit issued to an industrial user in accordance with par. 430.051 of this Chapter.

(20) INDUSTRIAL PERMIT HOLDER means a person who has been issued an industrial discharge permit.

(21) INDUSTRIAL USER means any facility which discharges industrial wastes. An industrial user will be classified according to the latest edition of the Standard Industrial Classification Manual, Office of Management and Budget of the United States.

(22) INDUSTRIAL WASTES means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from domestic wastes.

(23) INFILTRATION shall mean the water (other than wastewater) from the ground or other sources that enters the wastewater system through means such as, but not limited to, defective pipes, pipe joints, connections, and manhole walls. Infiltration does not include and is distinguishable from, inflow.

(24) INFLOW shall mean the water (other than wastewater) that enters the wastewater (system from, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and I sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

(25) LICENSED DISPOSER means a person or business holding a valid license to do septage servicing under Chapter NR 113, Wisconsin Administrative Code.

(26) LATERAL means the extension from the building drain to the service connection "Y" fitting

where the extension from the building connects with the City's wastewater system.

(27) MAY is permissible.

(28) MILLIGRAMS PER LITER (MG/L) a measure of the concentration of a pollutant, expressed in the mass of pollutant (milligrams) per volume (liter) of wastewater.

(29) NATURAL OUTLET means any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater .

(30) OPERATION AND MAINTENANCE COSTS shall mean costs to operate and maintain the wastewater system, including both the collection system and the treatment facilities. Operation and maintenance costs include, but are not limited to, labor, utilities, supplies, equipment maintenance, and other normal costs necessary for the provision of sewerage service.

(31) PARTS PER MILLION means a weight-to-weight ratio; the parts per million V.. value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(32) PERSON means any and all persons, including any natural person, rum, partnership, company, municipal or private corporation, association, society, institution, enterprise, trust, government agency, or any other form of legal entity.

(33) pH means the logarithm of the reciprocal of 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} .

(34) PHOSPHORUS (P) shall mean the total phosphorus in wastewater that may be present in any of three principal forms: orthophosphates, polyphosphates, and organic phosphates, expressed in milligrams of P per liter. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.

(35) PORTABLE RESTROOM shall mean fixtures, incorporating holding tank facilities, designed to directly receive human excrement. Portable restrooms are self-contained nits, may be designed for one or more person's use at a given time and are readily transportable. Portable restroom wastewater shall be disposed of as holding tank waste.

(36) PRETREATMENT or TREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's wastewater collection system or the wastewater treatment plant. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except as prohibited by 40 CFR, Section 403,6 (d).

(37) PRIVATE SEW AGE SYSTEM shall mean a system for treatment of wastewater that is not owned or operated by the City.

(38) PRIVY shall mean a cavity in the ground or a portable above-ground device constructed for toilet uses which receives human excrement either to be partially absorbed directly by the surrounding

soil or stored for decomposition and periodic removal.

(39) PROPERLY SHREDDED GARBAGE means wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the wastewater collection system, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

(40) PUBLIC SEWER shall mean any sanitary sewer owned and controlled by a municipality or public authority and in which all owners of abutting properties have equal rights. For this Chapter, public sewer refers to all sanitary sewers owned and operated by the City.

(41) REPLACEMENT COSTS shall mean expenditures for purchasing and installing equipment, accessories, or appurtenances necessary to maintain the capacity and performance of the wastewater system during the service life for which such works were designed and constructed.

(42) REPRESENTATIVE SAMPLE shall mean a 24-hour flow proportional composite sample of the appropriate wastewater stream where feasible. Samples to be analyzed for pH, cyanide, total phenols, oils and grease, sulfide, and volatile organics shall be grab samples. A user may use another sampling method if it demonstrates and certifies to the City's satisfaction that it is more representative than flow-proportional sampling.

(43) SANITARY SEWER means a pipe or conduit which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(44) SANITARY SEWER MAIN means apart of the wastewater collection system owned or controlled by the City and in which all owners of abutting properties have equal rights of access, subject to the regulations and limitations set forth in this Chapter. It is sometimes referred to as simply a "main".

(45) SEPTAGE means concentrated wastes including contents of septic tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(46) SEPTIC TANK shall mean a tank which receives and partially treats sewage v through processes of sedimentation, oxidation, flotation, and bacterial action, as to separate solids from the liquid in the sewage and discharges the liquid to a soil absorption system.

(47) SEW AGE means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may find their way into a sanitary sewer.

"Usual" or "Normal" sewage means sewage that does not exceed 270 mg/liter of 5 day BOD, and does not contain the substances prohibited in pars. 430.05 (3) and (4).

"Unusual" or " Abnormal" sewage means sewage that exceeds 270 mg/liter of 5 day BOD, or which contains the substances prohibited in pars. 430.05 (3) and (4).

(48) SHALL is mandatory.

(49) SIGNIFICANT INDUSTRIAL USER means any industrial user of the wastewater system who (a) has a discharge flow of 25,000 gallons or more per average work day, or (b) has a flow greater

than 5% of the flow in the wastewater system, or (c) has in its wastes toxic pollutants, or (d) is found by the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment plant, the quality of sludge, the wastewater system's effluent quality, or air (emissions generated by the wastewater system.

(50) SLUG means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

(51) STANDARD INDUSTRIAL CLASSIFICATION (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972 and any amendments thereto.

(52) STANDARD METHODS shall mean the examination and the methods set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, American Waterworks Association, and the Water Pollution Control Federation, and is in compliance with 40 CFR ss. 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," all as amended from time to time.

(53) STORM SEWER means a pipe or conduit which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water .

(54) SUSPENDED SOLIDS means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering. Quantitative determination of total suspended solids shall be made in accordance with procedures set forth in Standard Methods, and as approved in ch. NR 219 of the Wisconsin Administrative Code.

(55) USER shall mean any person, who discharges, or causes to be discharged, noInlal wastewater or industrial discharges or any other wastewater into the wastewater system.

(56) USER CHARGE shall mean a charge levied on the users of the wastewater system for the cost of provision of facilities and service, including operation and maintenance, replacement cost, debt service, and other related costs.

(57) UTILITY means the City Utilities of Richland Center.

(58) UTILITY COMMISSION means the municipal utility commission created by Chapter 60 of the Code of Ordinances, which Utility Commission is responsible for the management and supervision of the operations of the City Utilities of Richland Center.

(59) **[Repealed by Ord 2012-18]**

(60) WASTEWATER is synonymous with "sewage".

(61) WASTEWATER COLLECTION SYSTEM means the system of City-owned or City-controlled sanitary sewers within the wastewater system which are primarily installed to receive wastewater directly conveyed from individual structures or from private or public property, and which extend through and include the service connection "Y" fittings designed for connection with such private

or public property. Excluded from this definition of the "wastewater collection system" are the following:

(a) The laterals, which convey wastewater from individual structures, to the service connection "Y" fittings which in turn connect the laterals to the public sanitary sewer, or their equivalent.

(b) The wastewater treatment plant and any City-owned lift stations or pumping stations.

(c) Privately owned pumping units and pressurized lines serving individual structures or groups of structures.

(62) WASTEWATER UTILITY SUPERINTENDENT is synonymous with Wastewater Superintendent, and means the superintendent who oversees the daily operation of the City's wastewater system, or his or her authorized agent, or representative. The Wastewater Utility Superintendent reports to the Utility Commission.

(63) WASTEWATER SYSTEM means all facilities, structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside the buildings served and laterals from the building to the street main. The definition includes the wastewater treatment plant, any lift stations or pumping stations and all other components of the wastewater system.

(64) WASTEWATER TREATMENT PLANT means an arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge.

(65) WPDES shall mean the City's permit to discharge pollutants, obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147 of the Wisconsin Statutes.

(66) ABBREVIATIONS. The following abbreviations shall have the designated meanings:

(a) ASTM ASTM International, originally American Society for Testing and Materials

(b) BOD Biochemical Oxygen Demand

(c) CFR Code of Federal Regulations

(d) COD Chemical Oxygen Demand

(e) EPA Environmental Protection Agency

(f) l liter

(g) mg milligram

(h) mg/l milligram per liter

(i) NH₃-N Ammonia Nitrogen

(j) NPDES National Pollutant Discharge Elimination System

(k) SIC Standard Industrial Classification

- (l) SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
- (m) TKH Total Kjeldahl Nitrogen
- (n) TSS Total Suspended Solids
- (o) USC United States Code
- (p) WEF Wisconsin Environment Federation
- (q) WPDES Wisconsin Pollutant Discharge Elimination System
- (r) WWTP Wastewater Treatment Plant

430.02 USE OF PUBLIC SANITARY SEWERS REQUIRED.

(1) It shall be unlawful for any person to place, deposit, or permit to be deposited, any human excrement on public or private property within the City or in any area under the jurisdiction of the City by any means other than discharge into the sanitary sewer. Animal excrement, properly shredded garbage, or other objectionable wastes may be disposed of in the sanitary sewer as long as none of the waste contains materials listed in par. 430.05 of this Chapter.

(2) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter and with all applicable federal, state, or local statutes, ordinances, and regulations.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage which is not a part of or connected to the City wastewater system.

(4) The owner of every house, structure, building, or property used for human occupancy, employment, recreation or other purposes, located within the City's incorporated limits, shall install suitable toilet facilities therein and connect such facilities directly to the City's sanitary sewer in accordance with the provisions of this Chapter, if the property abuts on any street, alley, or right-of-way in which there is now located or may in the near future be located a public sanitary sewer of the City. The City shall determine whether public sanitary sewer is now or may in the near future be available to the property such that a connection is or will be required. Such connection shall be made within sixty (60) days after the date of official notice of the connection requirement if the sewer is then available, or within sixty (60) days after the date that the sewer becomes available if such sewer was not available as of the date of notice. The connection shall be made at the owner's expense. Notice shall be given to the owner of the property as shown in the tax records of the Richland County Treasurer mailed to such owner at the most recent address for such owner shown in such tax records or by personal delivery to such owner. Notwithstanding the foregoing, toilet facilities shall not be required in structures or buildings used only for storing goods, where occupancy is only occasional and for the purpose of depositing or retrieving property stored therein, such as warehouses, unless facilities are required by the Wisconsin Statutes or the Wisconsin Administrative Code. **[Amended by Ord 2012-18]**

430.03 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(1) Where a public sanitary sewer is not available under the provisions of par. 430.02 (4), the building's sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(2) Before commencing construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Wastewater Utility Superintendent or his or her designee. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement with any plans, specifications, or other information deemed necessary by the Wastewater Utility Superintendent or his or her designee. A permit and inspection fee shall be paid to the Utility at the time the application is filed. The fee shall be in the amount currently established by the City as set forth in the City's sewer rate schedule.

(3) A permit for a private sewage disposal system shall not become effective until the installation has been installed, completed and inspected by the Wastewater Utility Superintendent and found in all respects to be satisfactory. The Wastewater Utility Superintendent shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Wastewater Utility Superintendent when the work is ready for final inspection, and before any underground portions of the private sewage disposal system are covered. The inspection shall be made within 48 hours of the receipt of notice by the Wastewater Utility Superintendent.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all provisions of the Wisconsin Administrative Code and recommendations of the Department of Health Services of the State of Wisconsin. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) When public sanitary sewer becomes available as provided in par. 430.02(4) to a property served by a private sewage disposal system, all structures served by a private sewage disposal system shall, within sixty (60) days, be directly connected to such public sanitary sewer as required by this Chapter. At such time, any septic tank, cesspool, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt, in conformity with any regulations contained in the Wisconsin Administrative Code.

(6) The owner or occupant of any property served by a private sewage disposal system shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times in conformity with all regulations contained in the Wisconsin Administrative Code, at no expense to the City.

(7) No statement contained in this Chapter shall be construed to supersede or prohibit the imposition of any additional requirements which may be ordered or imposed by the local health department serving the City of Richland Center. **[Amended by Ord 2012-18]**

430.04 LATERALS AND CONNECTIONS TO SANITARY SEWERS.

(1) No person shall uncover, make any connections with or opening into, use, alter, or disturb any component of the City wastewater collection system or appurtenance thereto without first obtaining a written permit from the Wastewater Utility Superintendent.

- (2) There shall be two (2) classes of lateral permits:
 - (a) Type I for residential and commercial service, and
 - (b) Type II for service to establishments producing industrial wastes.

In either case, the owner or his or her agent shall make application to the Utility on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Wastewater Utility Superintendent. A permit and inspection fee shall be paid to the Utility at the time the application is filed. In addition, for each new lateral connection to the City's Wastewater System, a connection charge shall be paid to the Utility. The amount of the permit and inspection fee and the connection charge shall be established by Utility Commission resolution as provided in par. 430.09(8) of this Chapter.

(3) All costs and expense incident to the installation and connection of the lateral shall be borne by the owner. The owner shall indemnify the City from any loss, damage, cost, or expense, including engineering and legal fees and expenses, that may directly or indirectly be occasioned by the installation of the lateral.

(4) A separate and independent lateral shall be provided for every building or structure, except that where one building or structure stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the lateral from the front building may be extended to the rear building and the whole considered as one lateral. If the buildings or structures have different owners, the owners shall enter into a written agreement describing the responsibilities of each owner with regard to the lateral and the provision of wastewater service, and such written agreement shall be filed with the City.

(5) Existing laterals may be used in connection with new buildings only when such existing laterals are found upon examination and test by the Wastewater Utility Superintendent to meet all requirements of this Chapter.

(6) The size, slope, alignment, materials of construction of a lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the Wisconsin Administrative Code and to all other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 9 shall apply.

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

(8) No person shall make connection of sump pumps, roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a lateral or building drain which in turn is connected directly or indirectly to a City sanitary sewer.

(9) The connection of the lateral into the public sanitary sewer shall conform to the requirements of the Wisconsin Administrative Code and all applicable rules and regulations of the Utility. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Wastewater Utility Superintendent before installation.

(10) The applicant for a lateral permit shall notify the Wastewater Utility Superintendent when

the lateral is ready for inspection and connection to the public sanitary sewer. The connection to the public sanitary sewer shall be made under the supervision of the Wastewater Utility Superintendent.

(11) All excavations for lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the sewer installation shall be restored to a condition and in a manner satisfactory to the City.

(12) The owner shall maintain the lateral from the street main to the building or structure, including all controls between the same, without expense to the Utility, except when damaged as a direct result of provable negligence or carelessness on the part of the City. All laterals and components thereof shall be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any lateral is to be relaid and there are two or more buildings on such lateral, each building shall be disconnected from such lateral and anew lateral shall be installed for each building.

(13) Persons attaching to a sanitary sewer main shall have the lateral from the sanitary (sewer main installed at their own expense. Any new or replaced lateral shall have cleanouts installed at the property line.

(14) No person shall uncover, alter, work on, or disturb any existing lateral without first notifying the Wastewater Utility Superintendent of the proposed work. The Wastewater Utility Superintendent shall be allowed to inspect the work at any stage of the work.

(15) No person shall abandon a lateral without the approval and inspection of the Wastewater Utility Superintendent.

430.05 REGULATION OF USE OF THE PUBLIC SANITARY SEWERS.

(1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Wastewater Utility Superintendent. Industrial cooling water or unpolluted process waters may be discharged, with the approval of the Wastewater Utility Superintendent, to a storm sewer or natural outlet. Properties with stormwater drains connected to the sanitary sewer at the time this ordinance is adopted will be required to disconnect from the sanitary sewer when the City provides storm sewer mains adjacent to the property for stormwater collection or when the City requests it.

(3) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sanitary sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other explosive liquid, solid or gas, that may create a fire or explosion hazard in the wastewater system

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the

receiving waters of the wastewater system, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sanitary sewer. The toxins prohibited shall include but not be limited to those published under NR 215.03, Wisconsin Administrative Code.

(c) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sanitary sewers, or other interference with the proper operation of the wastewater system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Wastewater Utility Superintendent that such wastes can harm either the sanitary sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream, can otherwise endanger life, limb, public property or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Wastewater Utility Superintendent shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sanitary sewers; materials of construction of the sanitary sewers; nature of the wastewater treatment process; capacity of the wastewater treatment plant; degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65 degree's C).

(b) Any water or waste containing floatable oils including fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 degrees and 65 degrees C).

(c) Any garbage that is not properly shredded garbage. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Wastewater Utility Superintendent.

(d) Any waters or wastes containing strong acid iron, pickling wastes, or concentrated plating solutions, whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment plant exceeds the limits established by the Utility for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Wastewater Utility Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may. exceed limits established by the Utility in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH lower than 6.0 or higher than 9.0.

(i) Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(5) No person shall discharge any holding tank waste, including by definition, but not limited to, pumping from septic tanks into the City wastewater system unless he or she has been issued a permit by the Utility. Unless otherwise allowed by the Utility under the terms and conditions of such permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into the City wastewater system, the user shall pay the applicable charges and fees and shall meet such other conditions necessary to properly treat this discharge as required by the Utility. An exception to the foregoing is that no permit will be required for discharge of domestic wastes from recreational vehicle holding tanks provided such discharges are made into a Utility approved facility designed to receive such wastes.. Monitoring facilities for holding type wastes such as those described in par. 430.05 (9) shall be provided by the user when in the judgment of the Utility they are deemed necessary for monitoring.

(6) If any waters or wastes are discharged, or are proposed to be discharged into the City wastewater system, which contain any of the substances or possess any of the characteristics enumerated in par. 430.05 (4) of this Chapter and which in the judgment of the Wastewater Utility Superintendent may have a deleterious effect upon the wastewater system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Wastewater Utility Superintendent may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers.

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the Wastewater Utility Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Wastewater Utility Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(7) Grease, oil, and sand interceptors necessary for the proper handling of liquid wastes

containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients shall be provided as required by state law. All interceptors shall be of a type and of a capacity required by state law. Interceptors shall be located as to be readily and easily accessible for cleaning and inspection. The Wastewater Utility Superintendent may require property owners with grease traps to submit cleaning and maintenance records to the Utility on a yearly basis.

(8) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(9) When required by the Wastewater Utility Superintendent, the owner of any property serviced by a lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the lateral to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safety located, and shall be constructed in accordance with plans approved by the Wastewater Utility Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be V. maintained by the owner so as to be safe and accessible at all times.

(10) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater system and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of the subject premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(11) If, for any reason, a property served by the wastewater system does not comply with or will be unable to comply with any prohibition or limitation in this Chapter, the owner and/or operators of the property served by the wastewater system responsible for such discharge shall immediately notify the Wastewater Utility Superintendent so that corrective action shall be taken to protect the wastewater system. In addition, a written report addressed to the Wastewater Utility Superintendent detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent further accidental discharges, shall be filed by the responsible owner or occupant of the property served by the v wastewater system within five (5) days of the occurrence of the noncomplying discharge.

(12) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Utility and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Utility for treatment, subject to payment therefore, by the industrial concern.

(13) Whenever the Wastewater Utility Superintendent shall determine that any lot, parcel of land, building or premises is discharging industrial wastes of unusual volume, concentration or character, or of

greatly variable volume, the Wastewater Utility Superintendent shall recommend the adoption of a special rate for such class of users, taking into consideration the volume, biochemical-oxygen-demand value, and suspended-solids content of the industrial wastes, and the nature of the use made of the wastewater system, but industrial sewer rates will not be changed or adopted as original rates except following action by the Utility Commission.

(14) Dischargers shall notify the Wastewater Utility Superintendent immediately upon the occurrence of a "slugload", 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 discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the wastewater system, including but not limited to the wastewater treatment plant, in addition to the amount of any fines or forfeitures imposed on the City on account thereof under State or Federal law.

(15) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater system.

430.051 INDUSTRIAL DISCHARGE PERMITS.

(1) The City may require each person who discharges or seeks to discharge industrial wastes into the City's wastewater system to prepare and file with the Utility, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater system. In the case of a new connection, the Utility shall require that this report be prepared prior to making the connection to the public sanitary sewer.

(2) An industrial discharge permit is required under this paragraph if a person's discharge into the sanitary sewer has any of the following characteristics:

(a) A BOD greater than two hundred seventy (270) mg/l;

(b) A suspended solids concentration greater than two hundred fifty (250)

(c) A volume of Twenty-five thousand (25,000) gallons per day or greater from one or more points of discharge;

(d) Any of the characteristics of prohibited discharges under subparagraphs 430.05(3) and (4) of this Chapter and the person is an industrial user; or

(e) Is an incompatible pollutant.

(3) Persons seeking an industrial discharge permit shall complete and file with the Wastewater Utility Superintendent an application on the form prescribed by the Utility. In support of the application, the applicant shall submit the following information:

(a) Name, address, and standard industrial classification number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

- (b) Average daily volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics to be analyzed using U.S. E.P.A. recommended procedures;
- (d) Time and duration of discharge;
- (e) Average and peak wastewater flow rates, including five (5) consecutive day average, maximum day, monthly, and seasonal variations, if any;
- (f) Site plans and details to show all sanitary sewers and appurtenances by size and location; and
- (g) Description of activities, facilities, and plant processes on the premises including all materials and types of materials which are or could be discharged. The Wastewater Utility Superintendent shall evaluate the data furnished by the applicant and may require the applicant to furnish further information. After evaluation and acceptance of the application, based upon the wastewater treatment plant's ability to treat the proposed discharge, the Wastewater Utility Superintendent, with the concurrence of the Utility Commission, shall issue an Industrial Discharge permit subject to the terms and conditions provided therein.

(4) Industrial discharge permits shall be subject to all provisions of this Chapter and all other regulations, sewer charges, fees, and conditions of discharge established by the Utility or the State and Federal authorities responsible for overseeing wastewater system operations. Permit conditions may include any of the following:

- (a) Five consecutive day average and maximum daily wastewater flow rate and pollutant concentration levels. Discharge limits for these characteristics shall be included if the industrial permit holder discharges or is expected to discharge wastewater with BOD which equals or exceeds 7.5% of the existing wastewater treatment plant's BOD capacity;
- (b) Limits on the rate, time, and amount of discharge;
- (c) Limits on pH discharges that exceed the provisions of this Chapter;
- (d) Requirements for the installation of control manholes, flow measurement devices, and composite sampling devices;
- (e) Pretreatment of wastes discharged as may be required for adequate treatment of wastewaters discharged to the wastewater treatment plant;
- (f) Specifications for monitoring programs, if required, which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports, if required;
- (h) Requirements for notification to the Utility of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced to the wastewater treatment plant;

(i) Requirements for notification and management of slug or accidental discharges; and

(j) Any other special conditions deemed appropriate by the Utility. Such other special conditions shall be effective only after due notice and hearing for the industrial permit holder or permit applicant.

(5) All industrial permit holders shall promptly notify the Utility in advance of any change in its industrial operations which may have an effect upon the wastewater generated or any substantial change in the volume or character of constituents in its discharge. In such event, the Utility may add to, change or modify the conditions of the permit.

(6) When the Wastewater Utility Superintendent determines that by reason of the gravity of the potential consequences of a violation of this Chapter an immediate order is necessary to protect the wastewater system from possible serious damage, the Wastewater Utility Superintendent is empowered to issue a written order temporarily terminating service to the industrial permit holder or requiring the industrial permit holder to cease any and all operations which could be contributing to the violation. The industrial permit holder shall be entitled to have the Wastewater Utility Superintendent's decision reviewed by the Wastewater Utility Superintendent and shall be entitled to have the Wastewater Utility Superintendent's written decision reviewed by the Utility Commission in proceedings meeting the requirements of chapter 68, Wisconsin Statutes. Suspension of service under this subparagraph shall not prevent the Utility from seeking any other remedy that may be available to it for the continuance of proper operation of the wastewater system, nor shall it prevent the Utility from imposing penalties otherwise applicable to the industrial permit holder violating any paragraph of this Chapter.

(7) The Utility may seek to terminate the wastewater treatment services provided to any industrial permit holder and revoke the industrial permit holder's industrial discharge permit upon failure by the industrial permit holder to:

(a) Factually report any information required by the application for the industrial discharge permit;

(b) Report significant changes in the wastewater constituents or characteristics;

(c) Allow access to the industrial permit holder's premises by the Wastewater Utility Superintendent or the Wastewater Utility Superintendent's representatives for the purpose of inspection of discharge monitoring in accordance with this Chapter;

(d) Comply with the industrial discharge permit issued by the Utility; or

(e) Allow the Wastewater Utility Superintendent or the Wastewater Utility Superintendent's representatives exclusive control of any control manhole serving the industrial permit holder's premises whenever the Wastewater Utility Superintendent deems such control necessary. Such exclusive control of the manhole shall not preclude parallel monitoring. Revocation of industrial discharge permits and termination of treatment services under this paragraph shall not prevent the Utility from seeking any other remedy that may be available to it for the continuance of proper operation of the wastewater system, nor shall it prevent the Utility from imposing penalties otherwise applicable to the industrial permit holder violating any paragraph of this Chapter.

(8) Whenever the Wastewater Utility Superintendent finds that any industrial permit holder has

engaged in conduct that is grounds for revocation of the industrial discharge permit and treatment services under the preceding subparagraph (7), the Wastewater Utility Superintendent with the concurrence of the Wastewater Utility Superintendent, shall cause to be served upon the industrial permit holder a written notice stating the nature of the alleged violation. Service of the notice shall be effective when made upon an agent or agents named by the industrial permit holder. The Utility may require the industrial permit holder to provide the name or names of such agents in such a number as to ensure the reasonable availability of such agents to receive notice. Within five (5) days of the service of the notice, the industrial permit holder shall respond in writing to the Wastewater Utility Superintendent advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations, and, where necessary, establish a plan for the satisfactory correction of the problems.

(9) Where the violation under subparagraph (7) above is not corrected by timely compliance with the procedures of subparagraph (8), the Utility may order any industrial permit holder causing or allowing conduct prohibited by subparagraph (7) above, to show cause why the proposed revocation of the industrial discharge permit and treatment service should not occur. A written notice shall be served on the industrial permit holder, specifying the time and place of a hearing to be held by the Utility Commission regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the industrial permit holder to show cause before the Utility Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer or authorized representative of a industrial permit holder, as defined in subparagraph (8). The proceedings at the hearing shall be considered by the Utility Commission which shall then enter appropriate orders with respect to the alleged improper activities of the discharger. Appeals of such orders shall be to the Circuit Court of Richland County.

(10) Following the entry of any order by the Utility Commission with respect to the conduct of a industrial permit holder contrary to the provisions of subparagraph (7), above, the City Attorney may commence an action for enforcement of said order and any other appropriate (legal or equitable relief.

(11) An industrial discharge permit will be issued to a specific user for a specific operation. Such permit will not be transferred to a new owner, user, location, or operation without the prior written approval of the Utility.

(12) Each industrial discharge permit shall expire on December 31 of each year. Renewal of the permit shall be automatic unless the Wastewater Utility Superintendent notifies the industrial permit holder of non-renewal in writing on or before October 1 of that year. If the Wastewater Utility Superintendent believes non-renewal of a permit is justified or required for the proper operation of the wastewater treatment plant, the Wastewater Utility Superintendent shall so inform the Utility Commission by October 1. The Wastewater Utility Superintendent shall not send a notice of non-renewal of a permit unless the Utility Commission is satisfied that non-renewal of the permit is justified or required for the proper operation of the wastewater treatment plant. If the Utility Commission is so satisfied, it shall direct the Wastewater Utility Superintendent to notify the industrial permit holder of non-renewal and state the reasons therefor .

(13) A industrial permit holder desiring a change in a permit may petition the Wastewater Utility Superintendent at any time. The terms and conditions of the permit shall be subject to modification during the life of the permit. If any ordinance, statute, rule or regulation of the City, Utility, or the State or Federal authorities is amended and that amendment requires modification of a permit, the Wastewater Utility Superintendent may modify the permit at any time, with the concurrence of the Utility,

Commission. The industrial permit holder shall be notified in writing of any proposed changes in the industrial discharge permit at least Sixty (60) days before the effective date of the change.. Any modification in the permit shall include a time schedule for compliance.

430.06 EXTENSIONS OF SANITARY SEWER SERVICE.

(1) The City shall not furnish sanitary sewer service to any property located outside of the City's incorporated limits unless:

(a) the property was being furnished with such service on the effective date of this Chapter,

(b) the City is required to furnish such service by Wisconsin Statutes or the Wisconsin Administrative Code, or

(c) such service is furnished pursuant to an express written contract between the property owner and the City.

A contract between the property owner and the City for sanitary sewer service outside of the City's incorporated limits shall include such terms and conditions deemed by the Common Council to be in the best interests of the City. Such a contract may include a requirement that a non-governmental property owner seek annexation of such property into the City on terms set forth in the contract. The contract is subject to the approval of the Common Council.

(2) The determination of whether or not to allow extension of any sanitary sewer main shall be discretionary with such discretion vested exclusively in the City. If the City determines to allow an extension of a sanitary sewer main, such extension shall be done as follows:

(a) The Applicant(s) who requests the extension shall present to the City a description of the extension being requested. The City may require changes to the request which the City deems necessary for orderly expansion of the wastewater system. **[Amended by Ord 2012-18]**

(b) The City may specially assess all or a portion of the cost of said extension against the property or properties abutting the extension. Such costs shall include but not be limited to: the furnishing and installation of necessary piping and connections; the furnishing and installation of necessary manholes or lift stations that are part of the extension; the costs of engineering; any costs of surveying and preparation of any necessary easements and and the cost of any road repairs related to the extension. **[Amended by Ord 2012-18]**

(c) If the City does not specially assess the cost of the extension against the abutting property or properties, the applicant(s) who requests the extension shall pay for the cost of the extension. The amount required to be paid shall equal the total amount the City would have assessed to all abutting property owners if the City had determined to specially assess the cost of the extension. If more than one applicant is involved, the cost of the extension shall be divided among the applicants pro-rata upon a basis which the City in its sole discretion deems equitable. The City's determination of the basis for division shall be made prior to the installation. Notice shall be sent by first class mail to each applicant of his, her or its share of the cost. **[Amended by Ord 2012-18]**

(d) No extension shall be made for a distance less than to the next manhole. All sanitary sewer extensions shall be constructed in compliance with all local and state laws, ordinances, and regulations.

(e) In addition to the charge made as provided above to each lot, each user shall pay the full cost of the lateral from the sanitary sewer main to the owner's building(s).

(f) Should an additional connection to the sewer main extension be requested within a 20 year period, the Utility shall calculate and collect a fee for the new connection, equal to the amount which would have been assessed to an abutting property under par. (b). This fee shall then be rebated to the original applicant(s) who paid for the extension under par. (c) on the same pro-rata basis as was used to calculate the payment by the original applicant(s) for the original extension. Where the sewer main extension includes a lift station, the Utility shall have the option to extend the period of rebate for 10 additional years, up to a total of 30 years. In no case will the connection charges received from additional connections under par. (f) exceed the proportionate amount which would have been required under paragraph (b), nor will it exceed the total assessable cost of the original extension. **[Amended by Ord 2012-18]**

(g) Ownership of the extension will vest in and be maintained by the City upon satisfactory completion of the installation as determined by an inspection conducted by the Wastewater Utility Superintendent, and the furnishing to the City of an “as built” plan.

(h) Any easements over private property required for any sanitary sewer main extension shall run to the City.

430.07 POWER AND AUTHORITY OF THE CITY TO INSPECT.

(1) The Wastewater Utility Superintendent, and other duly authorized employees of the Utility, upon showing proper credentials and identification, shall be permitted to enter upon all lands and structures thereon for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Wastewater Utility Superintendent shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point of inquiry having a direct bearing on the kind and source of discharges into or likely to flow into the City's wastewater system, facilities or waterways.

(2) While performing the necessary work on private properties referred to in par. 430.07 (1) above, the Wastewater Utility Superintendent or duly authorized employees of the Utility shall observe all safety rules applicable to the premises established by the owner or occupant of the property of which notice is given to the Utility employees on the scene.

(3) The Wastewater Utility Superintendent and other duly authorized employees of the Utility, upon showing proper credentials and identification, shall be permitted to enter all private properties on or through which the City holds a duly negotiated easement for any Utility purpose, including but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in conformity with the terms of the easement pertaining to the private property involved.

(4) It is expressly stipulated the City shall not be liable for any damages, direct or incidental, and that no claim shall be made against the City, the Wastewater Utility Superintendent or any acting representative of the Utility or City, the cause or basis of which is the breaking, clogging, stoppage, or freezing of any sanitary sewer pipe, lateral or any component thereof; nor for any damage arising from making repairs or improvements to any portion of the wastewater system, including but not limited to repairing sanitary sewer mains, making connections or extensions or any other work on the wastewater system which the Utility may deem necessary .

(5) The Utility hereby reserves the right to cut off service to any property at any time for the purpose of repairing or maintaining the wastewater system or for any other necessary purpose, any permit granted of regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the wastewater collection system within any area of the City, the Utility shall, if practicable, give notice to consumers affected by the shutoff of the time when such service will be shut off.

(6) In the event that any property owner or person in possession of property refuses to grant to the Wastewater Utility Superintendent or any agent of the Utility access to any property for the purpose of making inspections to determine the applicability or conformity of the premises to the provisions of this Chapter, the Wastewater Utility Superintendent or his or her agents may apply for an administrative search warrant under sec. 66.0119, Wis. Stats.

430.08 PENALTIES; NOTICE OF VIOLATION

(1) FORFEITURE. Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate par. 430.02(1), (2) or (3); par. 430.04(1); any provision of sec. 430.05; or any provision of sec. 430.051, or fail or refuse to comply with any other section of this chapter may be prosecuted for such violation and shall, upon conviction, forfeit to the City of Richland Center not less than \$250.00 nor more than \$5,000.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. **[Amended by Ord 2012-18]**

(2) NOTICE TO CORRECT VIOLATIONS.

(a) Any person partnership, corporation, limited liability company, voluntary association or other legal entity who owns any property which is in violation or which contains a condition which violates any provision of this Chapter may be served by the City with a written notice which specifies with reasonable particularity the nature of the violation, and which specifies a reasonable time within which said person shall satisfactorily correct such violation. Such notice may, in addition, specify the actions required to attain such satisfactory correction of the violation. Such notice may be served by personal service or by certified mail, at the option of the City.

(b) Any person person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall continue or allow to exist any such violation beyond the time hereabove specified for satisfactory correction of such violation, shall, upon conviction thereof, forfeit to the City not less than \$250.00 nor more than \$5,000.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and shall, in addition, be liable for any actual expenses or damages to the wastewater treatment plant, wastewater system or to the river which receives the treated outflow of the wastewater treatment plant caused by the act or condition which constitutes the violation. In the event any such forfeiture, costs fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County

jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. **[Amended by Ord 2012-18]**

(3) OTHER REMEDIES. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, seek relief by means of injunction or other remedy at law or in equity to enjoin, prevent, cease or otherwise deal with any act or condition which constitutes or which threatens to constitute a violation of this Chapter, and the request for or procurement of such relief shall not be deemed a waiver or a bar to the imposition of a forfeiture or forfeitures or for money damages based upon the same act or condition. proceed by court action against any violation or violator of this Chapter for injunction, abatement of a nuisance or other remedy available to the City. **[Amended by Ord 2012-18]**

(4) LIABILITY FOR DAMAGES TO WASTEWATER SYSTEM. Any person who violates any provision of this Chapter which violation causes damage to any component of the City's wastewater system shall, in addition to any forfeiture based upon such violation, be liable for any actual expenses or damages to the wastewater system or to the river which receives the treated outflow of the wastewater treatment plant caused by the act or condition which constitutes the violation.

430.09 SEWER CHARGES AND FEES; PAYMENTS.

(1) The City shall recover its costs for constructing, operating, and maintaining the City's wastewater system and for implementing and enforcing this ordinance from users of the City's wastewater system.

(2) Fees shall be charged for sanitary sewer use and/or sewage treatment as established by the Utility Commission. The Utility Commission shall examine the fee schedule annually upon receipt of the audit report for the preceding year. Any changes in fees shall be fixed by Utility Commission resolution and shall become effective in the month following publication in the official newspaper. The fees will be set with consideration given to both volume and strength of sewage.

(3) Fees shall be set so as to fully fund the operation and maintenance of the City's wastewater system, and for billing expenses, bond retirement payments, replacement of equipment as needed, and associated expenditures.

(4)

(a) Charges will be based on gallons of water used monthly as measured by the water meter wherever possible, or by sewage measurement for large customers where possible, or by reasonable estimates in rare instances when metering is not realistic.

(b) The average monthly consumption for the months of mid-October through mid- April shall be used for residential billings for the following six (6) months. If the residence was unoccupied during any months used for averaging, such months of unoccupancy shall not be used in the averaging process. Should the actual consumption for any summer month be less than the winter average, the lower consumption shall be used for billing purposes.

(5) Should a customer be able to verify that a significant and measurable amount of water usage

does not discharge to the City's wastewater collection system (such as going into product, or exiting to a permitted storm sewer), the customer shall have said amount deducted from its bill if the customer installs at its expense, an approved meter which measures the amount of water that is not discharging to the City's wastewater collection system.

(6) In addition to the basic fees paid by all customers, a surcharge shall be charged to those customers whose wastes exceed 270 parts per million of BOD, and/or exceed 250 parts per million of suspended solids. Said surcharge shall reflect the additional treatment costs and plant capacity amortization costs applicable to the higher loadings.

(7) Significant Industrial Users shall be encouraged to contract with the Utility to guarantee payment of principal and interest on that portion of plant construction necessitated by and reserved for them, so as to protect other users from increased capitalized costs should the Significant Industrial User cease operation. If available, the Significant Industrial User may contract for additional capacity (at the Utility's prerogative) to allow for future expansion, at costs applicable to said reserve capacity.

(8) Actual rates and fees shall be established by Utility Commission resolution using the general format set forth in Appendix " A ". Rates and fees shall be periodically updated by the Utility.

(9)

(a) In addition to the charges established by subparagraphs (1) through (8), an industrial permit holder who discharges wastewater exceeding the average daily load limits for BOD or the maximum daily load limits for BOD contained in its industrial discharge permit into the wastewater treatment plant may be required to pay a permit exceedence charge for each day of exceedence. A permit exceedence charge is in addition to the charge based on volume under subparagraph (4) and the surcharges under subparagraph (6).

(b) An industrial permit holder's exceedence of the average daily load limit for BOD shall be determined on a weekly five day average basis. A week shall extend from Monday to the following Sunday. A weekly five day average shall be calculated for Monday through Friday, Tuesday through Saturday, and Wednesday through Sunday.

(c) An industrial permit holder who on any day discharges wastewater exceeding its V. permitted average daily load limit for BOD or its permitted maximum daily load limit for BOD shall be required to pay a permit exceedence charge for that day if (a) the daily wastewater discharges of all industrial permit holders in combination exceed the sum of the permitted maximum daily load limits for BOD for all industrial permit holders; and (b) the daily wastewater discharges of all industrial permit holders in combination exceed the sum of the permitted average daily load limits for BOD for all industrial permit holders over any two consecutive days.

(d) The amount of the permit exceedence charge increases based on (i) the amount by which the industrial permit holder's wastewater discharge exceeds the permitted average daily load limits for BOD; and (ii) the number of times the industrial permit holder has exceeded its permitted average daily load limits for BOD within the monthly billing period. The permit exceedence charge is calculated as shown in Appendix B.

430.10 CONFLICT AND SEVERABILITY.

(1) CONFLICT. If any portion of this Chapter is found to be in conflict with any other provision of the Wisconsin Statutes, Wisconsin Administrative Code or of Federal law or regulation, the provision of State or Federal law shall control.

(2) SEVERABILITY. The provisions of this Chapter are declared to be severable, and if any section, subsection, sentence, clause, or phrase of this Chapter or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this Chapter, or the application of the provision to other persons or to other circumstances nevertheless remains in full force and effect.