

Ordinance No. 227

AN ORDINANCE TO REGULATE VILLAGE USERS OF
THE CITY OF OCONOMOWOC SEWERAGE SYSTEM

WHEREAS, the Village of Oconomowoc Lake has entered an intermunicipal agreement with the City of Oconomowoc which allows some areas of the Village to be served by the City of Oconomowoc sanitary sewerage system; and

WHEREAS, Section G(2) of the intermunicipal agreement requires as a condition of the City of Oconomowoc providing this service that the Village must adopt an ordinance substantially in conformance with Chapter 13 of the City of Oconomowoc Municipal Code, and further that such ordinance shall require all users of the system to comply with all applicable ordinances, rules and regulations of the City, and that the Village shall strictly enforce said regulations; and

WHEREAS, the Village of Oconomowoc Lake Village Board intends by this ordinance to accomplish the intent of said intermunicipal agreement, in order to make sewer service available within the Village as described in said intermunicipal agreement.

NOW, THEREFORE, the Village Board for the Village Oconomowoc Lake, Waukesha County, Wisconsin does hereby ordain as follows:

SECTION 1: REGULATION OF SEWER USERS.

All sewer user regulations described Chapter 13 of the City of Oconomowoc Municipal Code, and as attached hereto as Exhibit A, are hereby incorporated herein and adopted to regulate all Village users of the City of Oconomowoc sanitary sewerage system.

SECTION 2: ENFORCEMENT AUTHORITY.

The Village of Oconomowoc Lake Village Board and its designees shall be empowered to enforce the provisions of the City of Oconomowoc Municipal Code which are incorporated herein by Section 1, with regard to use of the City of Oconomowoc sanitary sewerage system in the Village.

The enforcement powers that the ordinance provisions incorporated by Section 1 grant to governing bodies and personnel within the City of Oconomowoc are hereby conferred also upon the corresponding governing bodies and personnel of the Village of Oconomowoc Lake; and in the event there is no counterpart individual or entity in the Village of Oconomowoc Lake, such powers are conferred upon the Village of Oconomowoc Lake Chief of Police.

SECTION 3: PENALTIES AND REMEDIES.

In addition to, and not to the exclusion or prejudice of such other penalties and remedies as may apply, any person violating the terms of this Ordinance or of the ordinance incorporated herein in Section 1, shall be subject to the penalties and remedies described in Village of Oconomowoc Lake Ordinance Number 220 dated on or about September 20, 2004.

SECTION 4: SEVERABILITY.

The several sections and portions thereof of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 18th day of July, 2005

VILLAGE OF OCONOMOWOC LAKE


Ray Foster Jr., Village President

ATTEST:


Kathy Kreuser, Village Clerk/Treasurer

EXHIBIT A

City of Oconomowoc Municipal Code Sections 13.45 et seq.
Sewer User Regulations

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING

Resolution 0120
ORDINANCES 226 & 227

The undersigned, being first duly sworn, on oath deposes and states that on

July 19th, 2005, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

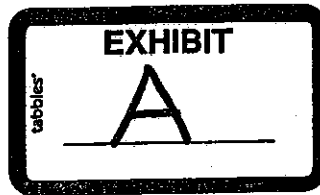
- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.

Andy Kelly
Posting Officer

Subscribed and sworn to before me

This 19th day of July, 2005

Kathleen Kewer
Notary Public, Waukesha County, Wisconsin
My Commission expires: 3-23-08



SEWER USER REGULATIONS

13.45 CREATION.

The Common Council, pursuant to the provisions of §66.067, Wis. Stats., does hereby declare that the sewerage system of the City consisting of the collection system (as hereinafter defined), waste collection and disposal operations, sewerage system and all other appurtenances, and equipment used for such purposes, or wastewater treatment facility (as hereinafter defined) shall be designated the Sewerage System Utility. This public utility is not a public service subject to regulation by the Wisconsin Public Service Commission for the purposes defined above.

13.46 MANAGEMENT.

- (1) The operation management and control of the Sewerage System Utility is vested in the Common Council, acting as the Board of Public Works under the provisions of §66.066(1), Wis. Stats., and is hereinafter referred to as the "approving authority." All records of the Sewerage System Utility shall be kept by the Utility Director in the City Hall or other officially designated place.
- (2) The rules, regulations and rates hereinafter set forth shall be considered part of the regulations applicable to every individual or entity connected to the sewerage system and all persons discharging wastes to the sewerage system. Such rules, regulations and rates may be changed from time to time as determined by the Common Council and the right is reserved to make special rates and contracts in all proper cases.

- (3) The Common Council shall cause an annual audit of the books of the Sewerage System Utility to be made and shall make the books and records relating to the Sewerage System Utility available for inspection during regular business hours.
- (4) A proportionate distribution of operation, maintenance and replacement costs shall be maintained among other user classes. Users shall be notified annually of the sewer service charges associated with the sewerage system.
- (5) The Sewerage System Utility shall be able to utilize the full authority provided in §66.076 Wis. Stats., with respect to financing methods, sewerage service charges, and other matters therein dealt with, and shall have all legal authority permitted for municipal utilities to charge reasonable rates for services.

13.47 APPLICATION.

The application of this subchapter, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limit of the City and any person, firm or corporation, by attachment to the sewerage system or otherwise by contract or agreement coming within the City sewer service area subsequent to the effective date hereof and all entities hauling wastes or trucking wastes and discharging to the sewerage system.

13.48 DEFINITIONS.

The meaning of terms used in this subchapter shall be as follows:

Act. The Federal Water Pollution Control Act (33 USC 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and Pub. L. 93-243, or as modified by Ch. 147, Wis. Stats., or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Ch. 147.

Approving authority. The Common Council or its authorized deputy, agent or representative.

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

Building sewer, lateral or service pipe. A sewer which carries only sewage or industrial wastes from the building plumbing to the public sanitary sewer.

Capital costs. The cost of acquiring, purchasing, leasing, planning, designing, constructing, extending and improving all or any part of the sewerage system and of paying principal, interest or premiums on any indebtedness incurred for these purposes. Capital costs may be recovered through a utility rate-making model which includes components for depreciation and return on invested capital.

Commercial user (Class II). Any property occupied by a nonresidential establishment not within the definition of an "Industrial User (Class III)", and which is connected to the wastewater facilities.

Collection system. The system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial use.

Connection. Each physical connection to the collection system or private sewer system which connects to the municipal collection system.

Connection charge. A charge levied on users annually for each lateral connected to the public sanitary sewer. The revenues generated from the connection charge shall be used to cover expenditures relating to customer costs and costs related to flow not attributable to users (infiltration/inflow).

Debt retirement. All annual principal and interest requirements and obligations of the approving authority for the wastewater treatment facility.

Discharge. The introduction of pollutants into the Wastewater Treatment facility from any non-domestic source regulated under §307(b), (c) or (d) of the Federal Act.

Discharge monitoring station. A sampling and metering station required to be installed through a discharge monitoring agreement signed by an industrial user with the City in order to obtain information on that user's discharge to the system and to establish sewer user and debt charges.

Domestic wastewater. Waterborne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 270 mg/l and the BOD is established at or below 250 mg/l.

Flow proportional composite sample. A sample consisting of portions of waste taken in proportion to the volume of flow of such wastes.

Indirect discharge. See: *Discharge.*

Industrial cost recovery. Recovery by the approving authority from the industrial users of the sewerage system of the amount allowable for the treatment of wastes from such users pursuant to §204(b) of the Federal Act.

Industrial user (Class III). Any nonresidential user identified in Division A, B, D, E, or I of the Standard Industrial Classifications Manual. Class III also shall include any user that discharges wastewater containing toxic or poisonous substances as defined in §307 or §502 of the Clean Air Act, or any substance(s) causing interference within the wastewater facilities. Class III shall include any nonresidential user who: 1) is subject to national categorical pretreatment standards. 2) has a non-domestic flow of 25,000 gallons or more per average work day, 3) contributes more than 5% of the average dry weather capacity of the wastewater facility, or 4) is determined by the Approving Authority or Operations Manager to have the potential to adversely affect the wastewater facility.

Industrial waste. Any waterborne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharge from, flow from or escape from any commercial, industrial, manufacturing or food processing operation or process: from the development of any natural resource; or any mixture of these with water or domestic wastewater.

Intercepting sewer. A sewer constructed to receive the dry weather flow of untreated or inadequately treated sewage from one or more existing sanitary sewer system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the State and convey the flow to a wastewater treatment facility, or is to serve in lieu of an existing or proposed wastewater treatment facility.

Interference. The inhibition or disruption of any sewer system, wastewater treatment process, sludge disposal system, or their operation, which substantially contributes to a violation of applicable discharge permits.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

Normal sewage. Sanitary sewage in which BOD and total suspended solids concentrations do not exceed normal concentration of:

- (a) A 5-day 20°C BOD of not more than 250 parts per million.
- (b) A total suspended solids concentration of not more than 270 parts per million.

Operation and Maintenance cost (O&M). The actual sums spent by the City in the operation and maintenance of its sewerage system consisting of, but not limited to, each and all of the following purposes:

- (a) Wages and salaries of employees related to expenses of operation, 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.
- (b) Electrical power and other utility services.
- (c) Chemicals, fuel and other operating supplies.
- (d) Repairs to and maintenance of associated equipment.
- (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) Training and educational expenses.

Operations Manager. The Operations Manager of the wastewater treatment and conveyance facilities, who shall be in charge of and supervise the operations and functions of the wastewater treatment and conveyance facilities and who shall report to the City Administrator.

Persons. Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees.

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

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before discharge to the City wastewater facilities.

Private sewer. A privately owned sewer serving 2 or more buildings and not directly controlled by a public authority.

Public sewer. A sewer or lateral in a public right-of-way or easement abutting properties and that is controlled or owned by the public authority.

Replacement fund. 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 for which such works were designed and constructed.

Residential equivalency charge. A charge levied on non-metered users for operation and maintenance, replacement, capital and depreciation. The charge shall be based on the average gallons of water used by a residential customer for operation and maintenance, replacement, capital and depreciation.

Residential Equivalent Connection (REC). The wastewater flow and loadings to the system equivalent to that contributed by an average residential family equivalent. An average residential family equivalent shall be calculated yearly by the City based upon the residential water used divided by the total number of residential customers.

Residential user (Class I). All premises used only for human residency and that are connected to the wastewater facilities.

Sanitary sewer. A sewer that conveys domestic wastewater or industrial waste, or a combination of both and into which storm, surface and groundwater or unpolluted industrial wastewater are not intentionally contributed.

Septage. Scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

Sewerage system. All facilities for collecting, transporting, pumping, treating and disposing of domestic wastewater, industrial wastes and septage. Also may be referred to as sewer system.

Sewer availability charge. A charge levied on all new users of the sewage system or current users who expand their use of the sewer service system. This charge shall be based upon the historic costs existing customers have contributed to the sewer facility infrastructure and the loss of interest thereon. Funds collected from sewer availability charges shall be used to finance improvements to the sewer service system.

Slug. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation and which adversely affects the collection system and/or performance of the wastewater treatment facility.

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 and the Water Pollution Control Federation.

Storm sewer. A sewer which carries storm and surface drainage, but excludes domestic wastewater and industrial wastes.

Surcharge user. A user of the sewerage system who discharges wastes which have higher concentrations than domestic wastewater and is assessed an additional charge (surcharge) for the constituents higher in concentration than domestic wastewater.

Total Suspended Solids (TSS). 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 total suspended solids shall be made in accordance with procedures set forth in "Standard Methods." Also referred to as suspended solids.

Toxics. Any of the pollutants defined by federal regulations pursuant to §307(a)(1) of the Act.

Unpolluted water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharging to the sanitary sewers and Wastewater Treatment Facility provided.

Use factors. Flow, BOD, total suspended solids and infiltration/inflow or the quantity of these factors as determined by the City by sampling and monitoring the Wastewater Treatment Facility influent and surcharge users and from the Water Utility records.

User. Any person discharging domestic wastewater or industrial wastes into the collection system or entity discharging septage or other waste hauled or trucked to the sewerage system.

User charge. A charge levied on users to recover the component of total operation, maintenance and capital costs of the sewerage system which relates to sewage flow generated by users of the system. The sewer use charge shall consist of a volumetric charge in terms of dollars per thousand gallons (\$/1,000 gals.).

Waste. Any solids, liquid or gaseous material or combination thereof discharged from any residences, business buildings, institutions, industrial establishments and septage haulers into the collection system, storm sewer or septage receiving station.

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 as may be present.

Wastewater pumping station. A pumping facility utilized to pump wastewater within the collection system.

Wastewater Treatment Facilities (WTF). Any City owned facility, devices and structures used for receiving and treating wastewater from the City collection system.

Water Utility. The Oconomowoc Water Utility.

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

13.49 RULES AND REGULATIONS.

- (1) **DECLARATION OF POLICY.** The Common Council finds and declares that the public health, comfort and safety is preserved and enhanced by the provision of the sewerage system in the promotion of a clean and healthful environment and that the failure to connect to the sewerage system is contrary to minimum health standards.
- (2) **CONNECTION.**
 - (a) To assure preservation of public health, comfort and safety, the owner of any house, building or property used for human occupancy, employment, recreation or other habitation, situated within the City and adjacent to a public sewer or in a block through which a public sewer extends, is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this subchapter within 12 months after the public sewer first becomes operational or, if an immediate health hazard exists, within 10 days upon receipt of notice from the county health officer or the City Building Inspector. Also see §11.07.
 - (b) If a person fails to comply with the notice to connect within the given period of time, the City may, at its option:
 1. Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner within 30 days after the completion of the work files a sworn affidavit with the City Clerk stating that he or she cannot

pay such amount in one sum and asking that it be levied in not to exceed 5 equal annual installments and the amount that shall be so collected with interest at a rate which is sufficient to recover the City's costs of borrowed funds or interest lost plus one percentage point per annum from the completion of the work, the unpaid balance to be a special tax lien.

2. Impose a standby charge for the period of time in excess of 12 months that such failure continues after the date the public sewer first becomes operational, after 10 days written notice to any owner failing to make a connection to the sewerage system, for an amount equal to 150% of the annual connection charge, payable monthly for the period in which the failure to connect continues. Upon failure to make such payment, such charge shall be levied as a tax against the lot or parcel to which sewerage service was furnished.

(3) ALTERNATIVE DISPOSAL PROHIBITED.

- (a) No person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended to be used for the disposal of domestic wastewater if a public sewer is available.
- (b) No person shall discharge to any natural outlet within the City in any area under the jurisdiction of the City sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter.

(4) PLUMBERS. No plumber or other person will be permitted to engage in or work at any plumbing in connection with the sewerage system without first receiving a license from the State Bureau of Plumbing.

(5) MAINTENANCE OF LATERALS. All laterals located in the public right-of-way or easements from the point of connection, including connecting device, to the sewer main and all facilities throughout the premises served must be maintained free of defective conditions by, and at the expense of, the owner of the property served.

(6) USERS.

(a) Application for Service.

1. Every person requesting connection to the sewerage system shall file an application in writing to the City in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the Building Inspector. The application must state fully and truly all the use which will presently be made. If any change in use from that set forth in this application

is contemplated, the user must obtain further application and permission from the Utility Director. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

2. The application may be for service to more than one building or more than one unit of service through one service connection and, in such case, charges shall be made accordingly.
 3. If it appears that the service applied for will not provide adequate service for the contemplated use, the City Engineer may reject the application. If the City Engineer approves the application, the City Engineer shall authorize the Building Inspector to issue a permit, after appropriate fees are paid, for services as shown on the application.
 4. All expenses relating to the connection to the sewerage system shall be paid by the applicant or owner at the time of permit issuance.
- (b) Tap permits. After sewer connections have been installed into any building or upon any premises, no plumber shall make any alterations, extensions or attachments, unless the party ordering such tapping or other work shall obtain and exhibit the proper permit for the same from the City Engineer.
- (c) User to Keep in Good Repair. All users shall keep their own service pipes in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the sewerage system. The user is responsible for their service pipe from the street main through their facility served.
- (d) User Use Only. No user shall allow other persons to connect to or permit other uses to be made of the sewerage system through his or her lateral.
- (e) User to Permit Inspection. Every user shall permit the City or its authorized agent at all reasonable hours of the day to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate and they must at all times, frankly and without concealment, answer all questions put to them relative to its use. Should the owner or occupant of the premises refuse voluntary access to the premises, the Plumbing Inspector is authorized to seek a special inspection warrant under §66.122, Wis. Stats.
- (f) Responsibility. No claim shall be made against the City or its agents or employees by reasons of the breaking, clogging, stoppage or

freezing of any service pipe, nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the City absent of gross negligence of the City, its agents or employees. The City may cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within an area of the City, the City shall, if practicable, give notice to each affected user.

- (7) EXCAVATIONS. Excavation requirements in any easement or public right-of-way shall be as specified and required by the authority having jurisdiction over such easement or right-of-way. In all cases, a permit is required and construction methods shall conform to §8.04 of this Municipal Code.
- (8) LATERALS.
 - (a) All laterals on private property will be installed in accordance with the Wisconsin Administrative Code as from time to time amended.
 - (b) The building sewer shall be inspected by the Plumbing Inspector or his designee upon completion of placement of the pipe and before backfilling, and tested before and after backfilling. The Plumbing Inspector or his designee may order any building sewer exposed and removed if such building sewer is covered before inspection.
- (9) TAPPING THE MAINS.
 - (a) No persons, except those having special permission from the City or persons in their service and approved by them, will be permitted under any circumstances to tap the public sanitary sewers. The kind and size of the connection to the public sanitary sewers shall be that specified in the permit or order from the City. A minimum of 48 hours notice shall be given to the City prior to tapping any main.
 - (b) Pipes should always be tapped at the top and not within 6" of the joint or within 24" of another lateral connection.
 - (c) When any building sewer service is to be relaid and there are 2 or more buildings on such service, each building shall be disconnected from such service and a new building sewer shall be installed for each building.
- (10) SEPTAGE DISPOSAL.
 - (a) All septage disposers shall be licensed in accordance with §146.20(3), Wis. Stats.

- (b) All septage disposers wishing to discharge to the City Wastewater Treatment Facility (WTF) shall possess a septage disposers discharge permit prior to disposing of any wastes at the WTF. Every licensed disposer wishing to discharge septage shall file a nonrefundable filing fee and an application in writing to the Utility Director in such a form as is prescribed for that purpose. Forms for such application will be furnished by the Utility Director. The Utility Director will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the WTF. Every septage disposer shall file a certificate of insurance with the City prior to the City issuing a discharge permit. The insurable amount shall be equal to \$300,000 for general liability, \$300,000 for automobile liability and the statutory limit for workers compensation.
- (c) Each truck of a permitted septage disposer discharging to the WTF shall be registered with the City. Registered trucks will be issued identification stickers and numbers which shall be clearly displayed on the rear end and both sides of the truck. Any unregistered truck or registered truck without identification stickers and numbers will not be allowed to discharge until properly registered with identification stickers exhibited.
- (d) Each septage disposal permit shall be issued subject to the conditions that if at any time the WTF has operational problems, maintenance problems or threat of a WPDES permit violation that are indirectly or directly related to septage disposal, the City may immediately restrict septage waste disposal until such time as corrective action or mitigative measures have been taken. Restriction may include prohibition of disposal of septage waste.
- (e) The WTF will accept only hauled septage waste from domestic origin and permitted industrial or commercial septage waste. Septage disposers must characterize the septage they haul to the WTF. Hauled industrial and/or commercial septage will not be accepted, unless the industry or commercial establishment has received a wastewater discharge permit as specified in this section or has received permission from the City. Any new industrial or commercial septage must be reported to the City by the septage disposer.
- (f) The designated septage receiving station is located at the WTF. All septage shall be discharged at the WTF, unless approval is obtained from the Utility Director and WTF Operations Manager for discharge of septage to other locations in the sewer system.
- (g) Specific hours of discharge and conditions shall be set by the WTF Operations Manager. No special exceptions to the septage station hours of operation will be allowed.

- (h) Septage disposers must complete and submit written documentation of the discharge to the WTF Operations Manager or his designee prior to discharge to the septage receiving station. If septage discharge is allowed at other locations in the sewer system, written documentation must be submitted to the WTF Operations Manager within one working day of the discharge to the sewer system. Forms for documentation of the discharge will be furnished at the WTF.
- (i) Each driver/pumper working for a permitted septage disposer shall be familiar with all rules and regulations of the WTF.
- (j) Septage disposers shall clean up all spills or deposits resulting from their activity at the WTF. Additional expenses shall be charged to the septage disposer for cleanup of any spills, deposits or damage occurring as the result of the disposer's activity at the WTF.
- (k) Each truck load will be considered maximum capacity for the purpose of calculating disposal charges. The maximum capacity will be based on the capacity of the registered truck.
- (l) Charges for disposal of hauled septage will be established on an annual basis by the Utility Committee and approved by resolution of the Common Council in accordance with §13.50 of this chapter.
- (m) The septage disposer's discharge permit fee and truck registration fee shall be set on an annual basis by the Utility Committee and approved by the Common Council.
- (n) Failure to fulfill any of the above requirements by any septage disposer may result in the suspension or revocation of their septage discharge permit.

13.50 SEWER SERVICE CHARGES.

(1) GENERAL

- (a) It shall be the policy of the Sewerage System Utility to establish sewer service charges in such amount as to obtain sufficient revenues to pay the following costs:
 - 1) operation and maintenance including contributions to a replacement fund, and
 - 2) debt service including debt service reserves and coverage requirements.
- (b) Those aspects of sewerage service charges relating to operation, maintenance and replacement fund shall be in accord with any relevant and applicable requirements imposed by the Wisconsin Department of Natural Resources or by federal law.

- (c) The Utility may establish sewer service charges including sewer use charges, annual connection charges, septage charges, ready-to-serve charges, sewer availability charges, charges to extraterritorial users and other charges as deemed necessary by the Common Council so as to assure that each user of the sewerage system pays its proportionate share of the cost of the facilities.
- (d) A review of the user charge system shall be conducted on an annual basis. This review shall include an analysis of the total costs of the system and of wastewater contribution of users and user classes. The sewer service charges shall be computed annually by the Finance Director and shall be furnished to the Common Council on or before the first Common Council meeting in November of each year or at such time that provides for the implementation of new charges on January 1 of the following year.
- (e) The charges established hereunder may be developed using a utility ratemaking method which would include recovery of operation and maintenance costs plus depreciation and a return on investment.

(2) SEWER USE CHARGE.

- (a) A sewer use charge is hereby imposed upon all users of the sewer system. The sewer use charge will recover the component of total operation, maintenance and capital costs of the sewerage system which relates to sewage flow attributable to users of the system. The sewer use charge shall be based upon the cost of treating flow, BOD and suspended solids at the strength of domestic wastewater. The sewer use charge shall consist of a volumetric charge in terms of dollars per thousand gallons (\$/1,000 gals.). The basis for billing sewer use charges shall be metered water usage. For users assigned a residential equivalent connection (REC) as defined in §13.57 and §13.62, the REC shall be the basis for the sewer use charge.
- (b) If any user of the sewer system procures any part or all of his water from sources other than the Water Utility, the user shall furnish, install and maintain at his or her expense water meters of a type approved by the Water Utility for the purpose of determining the volume of sewage discharged to the sewer system as described in §13.57. At the discretion of the City, a user procuring water from other sources than the Water Utility may be assigned a residential equivalent connection (REC) to be used as a basis for the sewer use charge as determined from §13.62. If in the opinion of the Utility Director the information in §13.62 does not accurately reflect the user's wastewater discharge to the sewerage system, then the Utility Director may assign a REC to the user. The user charge for non-metered users shall

be based upon an estimated usage equivalent to the number of assigned REC's multiplied by the average annual residential sewer usage.

- (c) The residential water consumption for sprinkling as determined by the Water Utility and any water credit meters for any refrigeration, air conditioning system or industrial cooling water not entering the sewer system shall not be used in computing the sewer use charge.
 - (d) The metered residential water use shall be adjusted to account for consumptive water use during the summer months of May, June, July, August and September. The volume used as the basis for the sewer service charge for those months shall be the water volume read by the City, with the maximum limitation that the volume in either May, June, July, August or September shall not exceed the volume used the preceding April, provided the April charge was based on a full month.
 - (e) Certain industrial and commercial users which generate waste at a strength greater than domestic wastewater, and with BOD and suspended solids loadings at or less than 350 mg/l each, shall be classified as Class B Commercial/Industrial Users. The sewer use charge for Class B users shall be based upon the cost of treating flow, BOD and suspended solids at a strength of 350 mg/l for BOD and 350 mg/l for suspended solids.
- (3) **ANNUAL CONNECTION CHARGE.** An annual connection charge is hereby imposed upon each user connected to the sewerage system. The annual connection charge shall recover costs related to wastewater treatment flow not directly attributable to users (infiltration/inflow) and customer costs (including accounting and billing). The annual connection charge shall be levied to each lateral connection to the sewerage system and will consist of a flat fee per connection.
- (4) **SURCHARGES FOR CERTAIN INDUSTRIAL USERS.** A surcharge shall be levied on all users of the system, excepting for Class B users, who discharge wastes which have concentrations of BOD or suspended solids greater than domestic wastewater. The surcharge shall apply to any additional loadings over and above that which would be generated on wastes at a strength equal to domestic wastewater. The volume of flow used for computing waste surcharges shall be the metered water consumption or the actual volume of waste as determined by a sampling and metering manhole or a discharge monitoring station. The amount of surcharge shall reflect the cost incurred by the City in removing BOD, and suspended solids. The surcharge in a given period shall be computed on the basis of the following formulae:

$$\text{Surcharge}_B = [(B-250) * .00834 * Vu] * Bc$$

$$\text{Surcharge}_S = [(S-270) * .00834 * Vu] * Sc$$

Surcharge_B = Surcharge for BOD

Surcharge_S = Surcharge for suspended solids

Bc = Costs for treatment of a unit (lb.) of biochemical oxygen demand (BOD).

B = Concentration of BOD (mg/l).

Sc = Costs for treatment of a unit (lb.) of suspended solids

S = Concentration of suspended solids (mg/l)

Vu = Billable flow volume in thousands of gallons.

- (5) **READY-TO-SERVE CHARGE.** A ready-to-serve charge shall be imposed on each premises to which sewer service has been made available by the City and a connection to the system for service has not been made. The ready-to-serve charge shall be based upon the charges provided in sub. 3. Any ready-to-serve charge becoming effective during a given year shall be charged on a pro rata basis for that year in which such charge becomes effective. This charge shall begin from date of notice by the City that the facility is ready to connect and be served by the system. As provided by §13.49(2), connection shall be made to the public sewer within 12 months.

(6) **SEPTAGE CHARGE.**

- (a) Charges shall be imposed for septage treatment and disposal. Charges for septage discharges shall be based on flow, BOD, TSS and such other constituents which affect the cost of treatment and disposal. The volume of flow used for computing the septage charge will be the volume of septage discharged. All persons discharging septage which has concentrations greater than domestic wastewater as defined in §13.48 of this chapter shall be subject to a surcharge. The amount of surcharge shall reflect the cost incurred by the City for removing BOD, TSS and other pertinent constituents. The surcharge shall be computed in the same manner as described in sub. (4) of this section.
- (b) The following waste strength parameters shall serve as the basis for computing the surcharge to be applied, unless the septage discharge is sampled and analyzed:

	<i>Septic Tank</i>	<i>Holding Tank</i>
BOD	5,000 mg/l	350 mg/l
TSS	11,000 mg/l	500 mg/l

- (c) All costs associated with administering the discharge of septage to the WTF, sample collection, laboratory analysis and billing will be paid by the septage hauler.
 - (d) On an annual basis, the Utility Director shall, in conjunction with determining sewer service charges, determine the septage charge and related fees and submit recommendations to the Common Council. The Council shall establish the charges and fees by resolution.
- (7) SEWER AVAILABILITY CHARGE. See §13.63 of this chapter. A sewer availability charge shall be collected by the City from all new connections to the sewerage system or existing connections which have a change in operations or activity which results in utilization of additional sewerage system capacity. This charge shall be calculated and collected as provided in §13.63 of this chapter. No sewer availability charge shall be levied to those users who previously shared a common lateral. This charge shall be paid at a time a plumbing or building permit is issued.
- (8) SPECIAL RATES. It is understood that the approving authority may at any time hereafter set special rates for any large commercial service, industrial use, extraterritorial areas, contract users or any other unique user that does not readily fit into other categories of users. Any user discharging any toxic pollutants, wastewater or other wastes to the sewage system shall pay for the increased operation, maintenance and replacement costs caused by their discharge.
- (9) EXTRATERRITORIAL SERVICES.
- (a) Municipal sanitary sewer service may be provided to extraterritorial locations on request. Such service may require municipal ownership of the interceptor and collection system, excluding laterals and shall require compliance with City policy pertaining to annexation.
 - (b) Pursuant to §§66.076(8) and 66.069(2)(c), Wis. Stats., sanitary sewer service in the Village of Lac LaBelle or unincorporated areas shall be limited to the boundaries of the sewer service areas of the Ixonia Sanitary District #2, Mary Lane Sanitary District and Blackhawk Sanitary District as established on January 1, 1989. Unless enlarged by subsequent ordinances, the City shall have no obligation to serve beyond the areas so delineated.
 - (c) Except where negotiated and approved by the Common Council, the City shall not be held financially responsible for planning, design or construction costs of the extraterritorial sewer system.
 - (d) Extraterritorial sewer recipients shall pay sewer user charges as established in an intermunicipal agreement (§66.30 Wis. Stats.)

13.51 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES.

- (1) **BUDGET TO BE PREPARED.** On an annual basis, the City Administrator shall prepare a Sewer System Utility Budget. The budgeted expenditures shall be incorporated into the rate review per §13.51(1)(d). The budgeted revenues shall be sufficient to cover projected operation, maintenance and debt service costs of the sewerage utility.
- (2) **SEWER SERVICE CHARGES.** Sewer service charges shall be for the corresponding period of the water bills and shall be payable to the City Treasurer. Statements for such charges and assessments levied and assessed in accordance with this subchapter shall become due and payable within 20 days after the end of each period. A penalty of 1.5% per month shall be added to all bills not paid by the date fixed for final payment.
- (3) **BILLING.** The property owner is held responsible for all sewer bills on premises that he or she owns. All sewer bills and notices of any nature relative to the sewer service will be addressed to the owner and/or occupant and delivered to the addressee by bulk mail.
- (4) **FAILURE TO RECEIVE BILL, NO PENALTY EXEMPTION.** Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer charges within the prescribed period nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (5) **DELINQUENT ACCOUNTS.** (Rep. & Recr. #96-0378)
 - (a) Authority. The Common Council of the City of Oconomowoc adopts §66.076(7), Wis. Stats., by reference.
 - (b) Procedure.
 1. The Utility Director shall inform the City Treasurer before October 15 of each year of all lots or parcels for which sewer charges are still owed for service supplied in the year preceding October 1.
 2. On October 15 in each year, notice shall be given by the City Treasurer to the owner or occupant of all lots or parcels of real estate to which utility service has been furnished prior to October 1 and payment for which is owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the Sewerage System Utility; that unless the delinquent account is paid by November 1 thereafter, a penalty of 10% of the amount of such arrears will be added

thereto; and that unless such arrears, with any such added penalty, shall be paid by November 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate. On November 16 the City Treasurer shall certify and file with the Clerk a list of all lots or parcels of real estate, giving the legal descriptions thereof, to the owners or occupants of which notice of arrears in payment were given as above specified and which arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon as herein provided.

- (c) Lien for delinquent charges. Each delinquent amount for sewer service, including penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the utility service was furnished and payment for which is delinquent, and the City Clerk shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes and to the return and sale of property for delinquent taxes shall apply to said delinquent tax if the same is not paid within the time required by law for payment of taxes upon real estate.
- (d) Sewer service to rental dwelling units. This section applies only if all of the following conditions are met:
 - 1. Sewerage system Utility service is provided to a rental dwelling unit.
 - 2. The owner of the rental dwelling unit notifies the Utility in writing of the name and address of the owner.
 - 3. The owner of the rental dwelling unit notifies the Utility in writing of the name and address of the tenant who is responsible for payment of the utility charges.
 - 4. If requested by the Utility, the owner of the rental dwelling unit provides the Utility with a copy of the rental or lease agreement in which the tenant assumes responsibility for the payment of the utility charges.
- (e) Compliance. The Sewerage System Utility shall comply with at least one of the following methods of notification:
 - 1. The Sewerage System Utility shall send bills for sewer service to a customer who is a tenant in the tenant's own name. Upon

notification to a customer who is a tenant that charges for sewer service provided by the Utility to the customer are past due for more than one billing cycle, the Utility shall also serve a copy of the notice on the owner of the rental dwelling unit in the manner provided in §801.14(2), Wis. Stats. If a customer who is a tenant vacates the rental dwelling unit and the owner of the rental dwelling unit provides the public utility, no later than 21 days after the date on which the tenant vacates the rental dwelling unit, with a written notice containing a forwarding address for the tenant and the date that the tenant vacated the rental dwelling unit, the Utility shall continue to send past due notices to the customer at his or her forwarding address until the past due charges are paid or until notice has been provided the owner of the rental dwelling unit in the manner set forth below.

2. The Sewerage System Utility shall serve notice of the past due charges on the owner of the rental dwelling unit within 14 days of the date on which the tenant's charges become past due. The public utility shall serve notice on the owner of the rental dwelling unit in the manner provided in §801.14(2), Wis. Stats.

13.52 ACCOUNTS AND FUNDS.

- (1) Income and revenues derived by the Sewerage System Utility shall be placed in an account which is separate and distinct from the City General Fund.
- (2) A replacement reserve fund shall be maintained with the purpose of providing for the replacement of mechanical equipment in order to maintain the capacity and performance for which the sewer system facilities were designed. Other segregated funds (e.g. debt reserve fund) may be established and maintained as necessary.

13.53 PROHIBITED DISCHARGES.

- (1) No person shall discharge or cause to be discharged storm water, ground water, roof runoff, subsurface drainage, storm water retention or detention settlings, or cooling water to any sanitary sewer. Ground water may be accepted, with special approval only, from engineered remediation projects if it is determined that the collection or treatment system will not be adversely affected. Cooling water shall be discharged to an approved storm sewer with City and DNR approval.
- (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 (65°C).

- (b) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32° to 150°F (0° to 65°C).
- (c) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the WTF or sewerage system in a quantity that may cause acute worker health and safety problems.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer 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 flesh, entrails, paper plates, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers (100% passing 1/2" screen, 90% passing 1/4" screen).
- (f) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
- (g) Any wastes or wastewater having a pH lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the sewerage system.
- (h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the sewer system.
- (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 wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the sewerage system or which would cause the City Wastewater Treatment Facilities to discharge any of the following pollutants in quantities in excess of the limitations established in the Wisconsin Administrative Code or WPDES permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, zinc, phenols, iron and tin.
- (j) Any radioactive wastes greater than allowable releases as specified by the 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 an average of 100 mg/l of either free or emulsified oil and grease or combinations of both.

- (l) Any cyanide or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of $\frac{1}{2}$ (0.5) mg/l by weight as cyanide in the wastes.
- (m) Wastes or wastewater which:
 - 1. Cause unusual concentrations of solids or composition as, for example, in total suspended solids of inert nature, such as Fuller's Earth and/or in total dissolved solids, such as sodium chloride or sodium sulfate.
 - 2. Cause excess discoloration in the Wastewater Treatment Facilities discharge.
 - 3. Have a total BOD or suspended solids loading in excess of the wastewater discharge permit described in §13.59.
 - 4. Are discharged without application for a wastewater discharge permit or contractual agreement as required under §13.59.
 - 5. Cause damage to the collection system or impair the treatment process.
- (n) Any pollutants which create a fire or explosion hazard in the WTF or sewerage system, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
- (o) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
- (3) No person shall allow the discharge of slugs of water or wastes to the collection system which may be harmful to the operation of the sewerage system. Where in the opinion of the Operations Manager slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at his or her 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 their 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 sewerage system as determined by the Utility Director.
- (6) Also see §6.14 of this Municipal Code.

13.54 ACCIDENTAL DISCHARGES.

Any person who accidentally discharges wastes or wastewater prohibited under §13.53 to the storm sewer shall immediately report such discharge to the Operations Manager.

13.55 PRETREATMENT FACILITIES.

- (1) The City 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 City to incur treatment costs exceeding those of domestic wastewater.
 - (d) Have any of the characteristics of the prohibited discharges described in §13.53.
 - (e) Cause the Wastewater Treatment Facilities to exceed its total design loading for volume, BOD, suspended solids or any other 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 other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Operations Manager and City prior to the start of construction.
- (4) In accordance with Ch. NR 114, Wis. Adm. Code, all pretreatment facilities shall be operated by qualified personnel holding certificate of the proper class issued by the State DNR.

13.56 SAND AND GREASE TRAP INSTALLATIONS.

Sand and grease traps shall be provided at restaurants, repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. Individual exemptions from this requirement may be granted upon review by the Wastewater Utility, Operations Manager, to "Category 1" restaurants as defined by the Waukesha County Environmental Resources Department under their Restaurant Licensing Program. All sand and grease traps shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All sand and grease traps shall be maintained by the owner at his or her expense in continuous, efficient operation at all times. Maintenance reports shall be submitted to the Operations Manager annually, by January 31, detailing all maintenance performed during the previous year.

ORDINANCE NO. _____

AN ORDINANCE AMENDING §13.56 OF THE MUNICIPAL CODE
OF THE CITY OF OCONOMOWOC RELATING TO SAND AND GREASE
TRAP INSTALLATIONS IN CERTAIN COMMERCIAL BUILDINGS

The Common Council of the City of Oconomowoc, Waukesha
County, Wisconsin, does ordain as follow:

SECTION 1. Sec. 13.56 of the Municipal Code is amended to
read:

13.56 SAND AND GREASE TRAP INSTALLATIONS.

(1) REQUIRED. Sand and grease traps shall be provided at restaurants, repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. Individual exemptions from this requirement may be granted upon review by the Wastewater Utility Operations Manager, to "Category 1" restaurants as defined by the Waukesha County Environmental Resources Department under their Restaurant Licensing Program. All sand and grease traps shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. A description of the sand/grease trap system and the manufacturer, dimensions and location thereof shall be submitted to the Wastewater Utility with the first maintenance report following installation.

(2) MAINTENANCE. All sand and grease traps shall be maintained by the owner at his or her expense in continuing, efficient operation at all times.

(3) MAINTENANCE REPORTS. Maintenance reports detailing all maintenance performed during the previous year shall be submitted to the Wastewater Utility Operations Manager annually, by January 31.

(4) PENALTY FOR FAILING TO FILE REPORTS. Any user delinquent in filing a maintenance report shall be notified of the delinquency and the penalty for failure to report. Any user who has not submitted the required annual maintenance report by March 1 shall be assessed a penalty not exceeding \$200.00 per day, with each day constituting a separate violation. The penalty shall be assessed from March 1 until the maintenance report has been received by the Wastewater Utility Operations Manager.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

DATED: July 30, 1999

CITY OF OCONOMOWOC

By: J. Thomas Foti
J. Thomas Foti, Mayor

ATTEST:

Jennifer Staude
Jennifer Staude, Deputy Clerk

Date Adopted: 7-30-99
Date Published: 7-29-99
Effective Date: 7-30-99

13.57 WASTEWATER MEASUREMENT AND SAMPLING.

Wastewater flows to users who do not obtain their water from the Water Utility shall be assigned a residential equivalent connection as determined from §13.62 unless:

- (1) The City requires the installation of a meter to measure the water amount.
- (2) Any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the collection system, the owner or occupant of such property shall cause to be installed necessary metering equipment as approved by the Utility Director 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 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 Utility Director shall determine the estimated volume of water discharged into the sewer system.

13.58 INDUSTRIAL WASTE ANALYSIS, MEASUREMENT AND SAMPLING.

- (1) **SAMPLING AND METERING MANHOLES.** All persons discharging industrial wastes into the sewer system shall construct and maintain sampling and metering manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all wastes or wastewater. These manholes shall be located and constructed in a manner approved by the Utility Director. Plans shall be submitted to the Utility Director prior to construction.
- (2) **MONITORING FLOW, COLLECTING SAMPLES AND PERFORMING LABORATORY TESTS.** The City or his designee will monitor flow, collect samples and perform laboratory tests on industrial waste discharges and septage discharges as necessary to verify quantity of flow and/or character and concentration of an industrial waste or septage. The City test results shall be used to determine the applicable surcharge.
- (3) **SAMPLING MANUALLY OR WITH MECHANICAL EQUIPMENT.** 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 §13.59 or at intervals as determined by the Operations Manager or the Utility Director. All costs for such sampling shall be charged directly to the owner of the premises from which the sampled discharge is generated. The sampling may be done by City

personnel or their designee or may be requested to be done by the facility owner. If the owner is requested to perform the sampling, the selected method, contractor, or laboratory must be preapproved by the City.

- (4) **DETERMINATION BY A DNR CERTIFIED TESTING LABORATORY.** When NR 101 or NR 202, Wis. Adm. Code, requires the submittal of the character and concentration of wastes, waste volume and production information to the district or State DNR, the user shall have the waste character and concentration determined by a DNR certified testing laboratory. A copy of the test results and DNR reports shall be submitted to the Operations Manager and the Utility Director.
- (5) **STANDARD METHODS.** All measurements and test analysis of the characteristics of industrial wastes shall be determined in accordance with 40 CFR 136 methods approved by the Operations Manager and shall comply with State and federal law.

13.59 WASTEWATER DISCHARGE PERMIT SYSTEM.

- (1) **WASTEWATER DISCHARGE PERMIT.** A wastewater discharge permit may be required under this section if a person's discharge into the City's sewerage system has any of the following:
 - (a) A BOD greater than 250 mg/l.
 - (b) A suspended solids concentration greater than 270 mg/l.
 - (c) A volume of 5,000 gallons per day or greater is discharged by any user at one or more points of discharge.
 - (d) Any of the characteristics listed under §13.53.
 - (e) Any such persons planning to discharge, changing the characteristics of their discharge or whose discharge permit has expired shall make application to the City within 60 days prior to the discharge. All persons currently discharging shall make application to the City within 50 days after passage of this subchapter and must have an executed permit within 60 days of application to discharge or discontinue discharging. A discharge permit will be required for each separate point of discharge into the City's sewer system. No person shall discharge waste or wastewater into the City sewer system 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 City an application on the form prescribed by the City. 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 Utility Director.
 - (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.
 - (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 City to be necessary to evaluate the permit application.
- (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 City in accordance with this subchapter and applicable State and federal regulations. Permit conditions will include the following:
- (a) The residential equivalency charge, sewer use charge and schedule for surcharge fees for the wastewater to be discharged to the sewer system.
 - (b) The average and maximum wastewater constituents and characteristics.
 - (c) Limits on rate and time of discharge or requirements for flow regulations and equalization.
 - (d) Requirements for installation of sampling and metering manholes or discharging monitoring stations.
 - (e) Pretreatment requirements.
 - (f) Requirements for maintaining plant records relating to wastewater discharges as specified by the Operations Manager and affording the City 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 City. 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 City.
 - (i) Other conditions as deemed appropriate by the City to insure compliance with this subchapter.
- (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 City within 60 days prior to the expiration of the permit or any renewal thereof or unless the discharger has signed a discharge monitoring agreement with the City which specifies a different duration period. After such notification by the City, 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 City during the life of the permit, if so required because of any ordinances, statutes or rules and regulations of the approving authority of 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) **REVOCATION OF PERMIT.** Any user who violates any of the conditions of his or her permit contractual agreement or this subchapter or of applicable State and federal regulations is subject to having his or her permit revoked.
- (7) **DISCHARGE MONITORING AGREEMENT.** The City may require an industry or any high volume or high strength waste discharger to enter into a discharge monitoring agreement if in the judgement of the City such an agreement is necessary to properly evaluate the users discharge to the sewerage system and/or to obtain adequate information to properly assess a surcharge. In the absence of a discharge monitoring agreement, the City may assign a surcharge to a user which in the City's judgment is appropriate of the user's discharge. The City may assess a surcharge to a user even though the City does not require the user to enter into a discharge monitoring agreement. A sample of a discharge monitoring agreement is on file with the City.

13.60 ADMISSION TO PROPERTY.

The City, its agents and employees 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 provisions of this subchapter, pursuant to §66.122 through 66.125 Wis. Stats.

13.61 CONFIDENTIALITY OF CRITICAL INFORMATION.

When requested by a user who is furnishing a report or permit application or questionnaire, the portions of such a document which might disclose trade secrets or secret processes shall not be made available for use by the City or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

13.62 RESIDENTIAL EQUIVALENT CONNECTION TABLE AND UNMETERED WASTEWATER FLOW ASSIGNMENTS.

- (1) For unmetered users of the sewerage system, the following table shall be used to determine the residential equivalent connection (REC) or estimated gallons of wastewater discharged to the sewerage system, except as provided in §13.57:

<i>Residential Users</i>	<i>REC</i>
Condominium	1.00
Single-family home	1.00
Duplex	2.00
Multiple-family (2 bedrooms)	1.00/unit
Multiple-family (1 bedroom or less)	0.75/unit

- (2) For unmetered commercial and industrial users of the sewerage system, their wastewater flow shall be determined from the following table unless the Utility Director determines that the information in the table does not accurately reflect the user's wastewater discharge to the sewerage system, in which case the Utility Director will assign a wastewater flow to the user. The REC may be determined by dividing the wastewater flow obtained from the table by the flow of the average residential user. The minimum REC for any account shall not be less than 1.00 REC. Upon completion of the REC computations, all RECs will be rounded up to the nearest 0.5 REC.

<i>SIC Code</i>	<i>Description</i>	<i>Gallons per Employee Hour</i>
0742	Veterinary services for animal specialties	20.0
0752	Animal specialty services	16.0
0782	Lawn and garden services	10.0

MUNICIPAL UTILITIES

13.62

<i>SIC Code</i>	<i>Description</i>	<i>Gallons per Employee Hour</i>
1446	Industrial sand	5.0
1521	General contractors - Residential	2.3
1541	General contractors - Industrial buildings and warehouses	2.3
1611	General contractors - Public works	2.3
1711	Plumbing, heating and air conditioning	2.3
1731	Electrical work	2.3
1761	Roofing and sheet metal work	2.3
1799	Special trade contractors, N.E.C.	2.3
2013	Sausage and other prepared meats	110.0
2065	Candy and other confectionery products	50.0
2087	Flavoring extracts and syrups, N.E.C.	75.0
2394	Canvas and related products	2.3
2431	Millwork	5.0
2434	Wood kitchen cabinets	5.0
2522	Metal office furniture	2.3
2721	Periodicals: Publishing and printing	10.0
2731	Books: Publishing and printing	10.0
2751	Commercial printing, letterpress and screen	10.0
2752	Commercial printing, lithographic	10.0
2789	Book binding and related work	10.0
2795	Lithographic platemaking and related services	25.0
2819	Industrial inorganic chemicals, N.E.C.	10.0
2834	Pharmaceutical preparation	10.0
2841	Soap and other detergents	15.0
2893	Manufacturing of printing ink	30.0
2899	Chemicals and chemical preparations, N.E.C.	10.0
3079	Miscellaneous plastic products	85.0
3111	Leather tanning and finishing	345.0
3272	Concrete products, except block and brick	25.0
3442	Metal doors, sash, frames, molding and trim	2.3
3444	Sheet metal work	40.0
3451	Screw machine products	10.0
3462	Iron and steel forging	5.0
3469	Metal stampings, N.E.C.	5.0
3471	Electroplating, plating, polishing, anodizing, etc.	50.0
3479	Coating, engraving and allied services, N.E.C.	100.0
3495	Wire springs	2.3
3498	Fabricated pipe and fittings	2.3
3499	Fabricated metal products, N.E.C.	25.0
3531	Construction machinery and equipment	5.0
3544	Spec. dies and tools, die sets, jigs and fixtures, molds	10.0
3562	Ball and roller bearings	5.0
3565	Industrial patterns	5.0
3569	General industrial machinery and equipment, N.E.C.	4.0
3576	Scales and balances, except laboratory	2.3
3599	Machinery, except electrical, N.E.C.	10.0
3613	Switchgear and switchboard apparatus	5.0
3632	Household refrigerators and home and farm freezers	2.3

MUNICIPAL UTILITIES

13.62

<i>SIC Code</i>	<i>Description</i>	<i>Gallons per Employee Hour</i>
3694	Electrical equipment for internal combustion engines	2.3
2714	Motor vehicle parts and accessories	75.0
3999	Manufacturing industries, N.E.C.	2.3
4141	Local passenger transportation charter service	2.3
4151	School buses	2.3
4212	Local trucking without storage	10.0
4213	Trucking, except local	2.3
4225	General warehousing and storage	2.3
4311	U.S. Postal Service	2.3
4722	Travel agency	2.3
4811	Telephone communication	2.3
4832	Radio broadcasting	2.3
5042	Toys and hobby goods and supplies	2.3
5063	Electrical apparatus and equipment	2.3
5054	Electrical appliances	2.3
5072	Hardware - Wholesale distribution	2.3
5082	Construction and mining machinery and equipment	2.3
5084	Industrial machinery and equipment	2.3
5142	Frozen foods	10.0
5149	Wholesale groceries and related products, N.E.C.	10.0
5199	Wholesale nondurable goods, N.E.C.	10.0
5211	Lumber and other building materials dealers	2.3
5231	Paint, glass, wallpaper	2.3
5251	Hardware - Retail sales	2.3
5261	Retail nurseries, lawn and garden supply stores	10.0
5271	Mobile home dealers	2.3
5311	Department stores	2.3
5331	Variety stores	2.3
5411	Grocery stores with meat and produce departments	16.0
5412	Grocery stores without meat and produce departments	6.0
5441	Candy, nut and confectionery stores	10.0
5462	Retail bakeries - Baking and selling	10.0
5499	Miscellaneous food stores	2.3
5511	Motor vehicle dealers	5.0
5531	Auto and home supply stores	2.3
5541	Gasoline service stations	15.0
5551	Boat dealers	5.0
5611	Clothing stores	2.3
5651	Shoe stores	2.3
5681	Furriers and fur shops	5.0
5711	Furniture, floor coverings, appliances	2.3
5812	Eating places (restaurants)	20.0
5813	Drinking places (taverns)	45.0
5912	Drugstores and proprietary stores	2.3
5921	Liquor stores	2.3
5931	Used merchandise stores	2.3
5941	Sporting goods stores and bicycle shops	2.3
5942-9	Miscellaneous stores	2.3

MUNICIPAL UTILITIES

13.62

<i>SIC Code</i>	<i>Description</i>	<i>Gallons per Employee Hour</i>
5992	Florists	10.0
5999	All other retail stores	2.3
6022-9	Banks	2.3
6122-63	Savings and loans	2.3
6311	Insurance companies	2.3
6411	Insurance agents	2.3
6512	Operators of nonresidential buildings	2.3
6515	Operators of residential mobile home sites	2.3
6531	Real estate agents and managers	2.3
6553	Cemetery subdividers and developers	2.3
6722	Management investment offices	2.3
7011	Hotels, motels, tourist courts	0.5 REC/Unit
7211	Power laundries, family and commercial	105.0
7212	Cleaning and laundry pickup stations	2.3
7215	Fac. coin-op laundries and dry cleaning	910.0
7221	Photographic studios	2.3
7231	Beauty shops	16.0
7241	Barber shops	10.0
7261	Funeral service and crematories	15.0
7299	Miscellaneous services, N.E.C.	2.3
7311	Advertising agencies, employment services	2.3
7332	Blueprinting and photocopying services	2.3
7351	Employment agencies	2.3
7391	Research and development laboratories	10.0
7395	Photofinishing labs	10.0
7512	Passenger car rental and leasing, w/o drivers	10.0
7531	Tbp and body repair shop	5.0
7534	Tire retreading and repair shops	20.0
7538	General automotive repair shops	5.0
7542	Car washes	115.0
7622	Radio and television repair	2.3
7699	Repair shops and related services, N.E.C.	2.3
7832	Motion picture theaters, not drive-ins	20.0
7911	Dance halls, studios and schools	20.0
7922	Theatrical producers	20.0
7933	Bowling alleys	50.0
7992	Public golf courses	45.0
7997	Membership sports and recreation clubs	75.0
7999	Roller rinks, gymnasiums, museums	20.0
8011	Offices of physicians	10.0
8021	Offices of dentists	10.0
8031	Offices of osteopaths	10.0
8041	Offices of chiropractors	10.0
8051	Skilled nursing care facilities	20.0
8091	Health and allied services, N.E.C.	10.0
8111	Attorneys	2.3
8211	Elementary and secondary schools	20.0
8221	Colleges, universities and professional schools	25.0

MUNICIPAL UTILITIES

13.62

<i>SIC Code</i>	<i>Description</i>	<i>Gallons per Employee Hour</i>
8231	Libraries and information centers	20.0
8249	Vocational schools, N.E.C.	20.0
8421	Arboreta, botanical and zoological gardens	45.0
8621	Professional membership organizations	2.3
8641	Civic, social and fraternal associations	15.0
8661	Religious organizations (hours occupied only)	20.0
8699	Membership organizations, N.E.C.	2.3
38911	Engineering, architectural and surveying services	2.3
8931	Accountants	2.3
9199	General government, N.E.C.	2.3
9221	Police protection	2.3
9224	Fire protection	2.3
9451	Administration of veteran's affairs	2.3
9999	All offices, N.E.C.	2.3

NOTE: Parsonages should be regarded as single-family residences.

13.63 SEWER AVAILABILITY CHARGE ADMINISTRATION.

- (1) **DEFINED.** See §13.48 and §13.50(7) of this chapter.
- (2) **ESTABLISHED.** A sewer availability charge is hereby established for connections to the City sewerage system, including extraterritorial areas served. The sewer availability charge shall recover the historic cost existing customers have contributed to the Sewer Utility's infrastructure and loss of interest thereon. The sewer availability charge shall be based upon the user's potential needed capacity in the sewerage system. The schedule of sewer availability charges shall be as set forth below.
- (3) **SCHEDULE OF SEWER AVAILABILITY CHARGES.**

(a) Residential Development.

- | | |
|---|------------|
| 1. Basic sewer availability charge for each residential equivalent connection | \$2,365.00 |
| 2. Credits to be deducted from basic sewer availability charge: | |
| Extraterritorial user, including annexed property | No Credit |
| Existing unconnected single-family residence | \$1,237.00 |
| Existing platted vacant lot | \$382.00 |

(b) Nonresidential Development.

1. The property owner shall submit on forms provided by the City a good faith estimation of the intended water and sewer usage for any nonresidential development.
2. Based on the information supplied by the property owner, the City shall calculate the number of residential equivalent connections for that development using the method set forth in §13.62 and shall calculate and impose an interim sewer availability charge according to the schedule set forth in §13.63(3)(a). All REC calculations shall be rounded up to the nearest one half (.5) REC. A minimum fee based upon 1 REC shall be established for all nonresidential connections.
3. Since the charge determined under subparagraphs 1. and 2. above is based upon estimated intended usage, the City shall have the right to recalculate the charge based upon actual usage for a twelve month period. At any time between the first and third anniversary dates of establishment of the nonresidential account, the City may review the account history to determine the highest actual recorded usage in a twelve month period.

4. Based upon the information obtained under subparagraph 3., the City shall recalculate the number of Residential Equivalent Connections, and may recalculate the charge pursuant to subsection (3)(b) 2. above. If the recalculated charge exceeds that of the original charge, the difference between the recalculated charge and the amount paid for the original charge shall become due and payable at the time the adjustment is made. There will be no refund notwithstanding the result of the recalculation.
- (c) Connected Properties. Each existing property connected to the Sewerage System that has a change in operations or activity which results in the utilization of additional sewerage system capacity will be evaluated, on a case-by-case basis, to determine the imposition of a sewer availability charge. The charge shall be based upon the estimated annual usage for the customer operating on the premises reduced by a credit for sewer system capital charges paid through prior sewer availability or sewer user charges. The following methodology shall be incorporated into a determination of sewer availability charges for properties previously connected to the sewerage system where a change in operations or activity takes place.
1. An estimate shall be made of projected future annual usage, in terms of RECs, for the customer as in 13.63 (3) (b) above.
 2. The City shall determine if a previous sewer availability charge has been imposed on the property. If a prior charge has been paid, the number of RECs determined in 13.63 (3) (c) 1 shall be reduced by the total number of RECs on which the previous charge was based. The net number of incremental RECs shall be the basis for the sewer availability charge computation.
 3. If the property was developed prior to the inception of the sewer availability charge and no sewer availability charge was paid for the subject property, then a credit shall be given based upon the estimated sewer system capital charges previously paid. The estimated contribution toward system capital cost shall be based upon historical sewer usage. The most recent two year period for which the property had operating activity shall serve as the basis for the credit. The average annual usage in terms of RECs during this period shall be deducted from the number of RECs computed according to 13.63 (3) (c) 1 to yield the net number of incremental RECs subject to the sewer availability charge.
 4. The net incremental RECs calculated in 13.63 (3) (c) 2 or 3 shall be multiplied by the charge in 13.63 (3) (a) 1 to determine the sewer availability charge.

- (4) **COLLECTION OF SEWER AVAILABILITY CHARGES.** Sewer availability charges calculated and due pursuant to this section shall be paid at the time a plumbing or building permit is issued.
- (5) **DISPOSITION OF SEWER AVAILABILITY CHARGES.** All charges collected pursuant to this section shall be deposited in an appropriate segregated fund. The charges collected pursuant to this section shall be restricted solely and exclusively for financing or as a pledge against bonds, revenue certificates and other obligations of indebtedness related to capital improvements of the Sewer Utility System. Interest earned by the fund shall be credited to the fund and shall be used solely for the purposes specified for the fund.
- (6) **REVIEW.** The sewer availability charge imposed by this section shall be adjusted annually for inflation.

13.65 VIOLATIONS AND PENALTIES.

- (1) Any person who fails to comply with any of the provisions of this subchapter or with an order of the City issued pursuant to this subchapter or shall tamper with metering or sampling shall be liable to the City for any expense, loss or damage occasioned by such violation, including reasonable attorney's fees and other expenses of litigation and, upon conviction of any violation of this subchapter, shall be subject to a forfeiture of not less than \$100 nor more than \$2,500 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this subchapter shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this subchapter shall not be cause for reducing or eliminating charges due and penalties for violations.
- (2) If any user discharges a waste or wastewater that is inhibiting to the sewer system or wastewater treatment facility or is prohibited as outlined in §13.53, Prohibited Discharges, said user shall pay a penalty of \$200 per violation. Each day a violation occurs shall constitute a separate violation. Said penalty shall be added to the monthly or quarterly billing statement. Written notice of violation and the intent to assess a penalty shall be forwarded to said user within 5 days of the determination of the violation.
- (3) In addition to the court proceedings and penalties described in the foregoing sections of this subchapter, whenever a person violates any provision of this subchapter or fails to comply with any order of the City, the City may order that an action be commenced on behalf of the City in the Circuit Court for Waukesha County for the purpose of obtaining an

injunction restraining the person violating this subchapter or failing to comply with the order from making any further discharges into the sewer system of the City.

- (4) Any licensed disposer discharging to the wastewater treatment facility or to a public sewer found to be violating a provision of this subchapter or of any conditions of the approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the septage disposal approval.

PENALTIES

13.70 PENALTIES.

Unless otherwise provided herein, any person violating any provisions of this chapter shall be subject to a penalty as provided in §25.04 of this Municipal Code.