

## CHAPTER 7

### UTILITIES

- 7.01 Water and Sewer Department Rules and Regulations
- 7.02 An Ordinance Authorizing Purchase of \$400,000.00 Bonds
- 7.03 Cross Connection Control
- 7.04 Local Well Regulation Program Ordinance
- 7.05 Service Outside Corporate Limits
- 7.06 Sewer Use and User Charge Ordinance
- 7.07 Tax Incremental District Water and Sewer Charges

#### 7.01 WATER AND SEWER DEPARTMENT RULES AND REGULATIONS

- (1) **Compliance with Rules** All persons now receiving a water supply from the City of Augusta or being furnished sewer service, or who may hereafter make application therefore, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.
- (2) **No Claims for Damages** No person shall enter a claim for damage against the City of Augusta as a water and sewer utility, or any officer thereof, for damage to any pipe, fixture, or for damage of any nature whatsoever caused by the turning off, or turning on, either wholly or partially, of the water supply for the extension, alteration, or repair of any water main or premises supply, or for the discontinuance of the premise water supply for the violation of any rules or regulations of the Augusta Water and Sewer Department. No claims will be allowed against the City, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire, or other emergency, and no claims shall be allowed for any damage caused by the breakage of any pipe or machinery.
- (3) **Handling Water Mains and Service Pipes in Sewer or Other Trenches**
  - (a) Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at his own expense cause them to be replaced or repaired at once. He must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.
  - (b) **Settling Main or Services Trenches** Trenches in unpaved streets shall be refilled with moist, damp earth, or by means of water tamping. When water tamping is used, the water shall be turned into the trench after the first twelve (12) inches of back fill has been placed and then the trench shall be kept flooded until the remainder of the back fill has been put in.

It shall be the duty of the superintendent to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed red signal light in such

manner as will, so far as possible, insure the safety of the public.

(4) **Establishment of Service**

- (a) **Service Applications** Application for the original installation of sewer service or a supply from the city water main, or for any extension or alteration of any existing supply from the curb line, or within the street property line, shall be filed by the owner of the property or any authorized agent therefore the approval of the superintendent of the sewer and water department prior to the performance of any such work. If a master plumber, or the owner, makes such application, he shall provide, fully and truly, the legal description of the property, the street location, the official designation building number, the size and character of the sewer service or supply pipe, and the fixtures or appliances to be supplied. (Note particularly and special refrigeration or air conditioning water consuming appliances).

The superintendent is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly and fully set forth by the applicant.

The signing of the application card or permit will constitute a contract for water supplies, and sewer service, and its specific use, which contract embodies these regulations as part of the same.

- (b) **Service Connections** Each applicant for sewer or water service shall at the time of making application for such service, execute and deliver to the utility a contract for such service, agreeing to put in the service pipe from the curb line to each piece of property to be serviced existing at that point and owned by him, where such service is desired, at the expense of such applicant and to commence the payment for such sewer and water service when a bill is rendered for the same.

No service pipe shall be installed to any lot or parcel of land not now being served unless said lot or parcel of land has a frontage on a regularly platted street or public strip in which a cast iron or other long life water main has been laid and unless the service connection there with is made between the property lines, extended to the main.

The service pipe shall be laid not less than six (6) feet below the surface of any established or proposed grade line. When water service pipe is laid in a combined sewer and water trench to service shall be laid on a shelf of solid ground not nearer than twelve (12) inches to the side of the sewer trench.

No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies there from for two or more separate premises having frontage on any street or public service strip whether owned by the same or different parties.

No service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or

such insulation as may be approved by the superintendent of the water and sewer department. Service pipes through curb or retaining walls, shall be adequately safe-guarded by the provision of a channel space or pipe casing, not less than twice the diameter of the service pipe. The space between the service pipe and the channel or pipe casing shall be filled and lightly caulked with oakum, mastic cement, or other resilient material, and made impervious to moisture.

When a change of direction of a cast iron service is made on either side of a curb or retaining wall, the cast iron fittings shall be securely braced to prevent the loosening or blowing out of the lead in the caulked joints. The bracing shall be made by concrete backing, or by clamp rods extending from the fitting bell to the next bell or fitting, or by clamp rods securely anchored in the wall.

Such clamp rods shall be not less than 5/8 inch diameter and when buried in soil should be protected against corrosion by painting with tar asphaltum or other suitable means. Set screws for fastening clamp rods to pipe will not be permitted.

In back filling the pipe trench, the service pipe must be protected against injury by carefully land tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.

All water supplies shall be of undiminished size from the street main to and including the outlet valve of the water meter. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an ample and equitable distribution of water supply for the greatest probable number of fixtures or appliance units operation simultaneously. In no instance, however, shall any water supply pipe to the further most riser or fixture branch be of a smaller diameter than 3/4 inch.

In case it is necessary to install a separate new or larger service to replace an existing small diameter service pipe an allowance equal to fifty (50) percent of the present cost of the installation of the size of service replaced will be made, providing the new service is installed in the same ditch as the existing service. In no case, however, will this allowance be less than \$10.00 and can only be made if the old service can be removed when the new service is installed.

## (5) Meters

- (a) **Installation of Meter** Meters will be furnished and placed by the utility and are not to be disconnected or interfered with by the consumer. All meters shall be located so that they shall be preserved from obstructions and allow easy access thereto for reading and inspection, such location to be designated by the superintendent. All piping within the building must be supplied by the consumer. If additional meters are desired by the consumer he shall pay for all piping and an amount sufficient to cover the cost of maintenance and depreciation but not less than twenty-five (25) cents per month.
- (b) **Service Piping for Meter Settings** In installing new service piping (or changing service piping where consumers have been on a flat rate) if meters are to be set, the consumer shall, at his own expense, provide the proper connections for the

meter. Where it is possible to set meters in basement, a short nipple shall be inserted after the stop and waste cock, then a union and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the superintendent (he may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.

No permit will be given to change from metered to flat rate service.

- (6) **Turning on Water** The water cannot be turned on for a consumer except by a duly authorized employee of the utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.
- (7) **Protective Devices**
- (a) **Protective Devices in General** The owner or occupant of every suitable premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. Particularly, must such owner or occupant protect water cooled compressors for refrigeration systems by means of high pressure safety cut-out devices. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises.
- (b) **Relief Valves** On all "closed systems" (i.e., systems having a check valve, pressure regulator, reducing valve, water filter or softener) an effective temperature relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A 1/2 inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe.
- (c) **Air Chambers** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided with a valve and drain cock at its base for water drainage and replenishment of air.
- (8) **Purity of Supply not to be Impaired by Gross Connections**  
Every person owning or occupying a premise receiving city water supply shall maintain such city water supply free from any connection, either of a direct or of an indirect nature, with a water supply from a foreign source or of any manner of connection with any fixture or appliance whereby water from a foreign supply or the waste from any fixture, appliance, water or soil pipe may flow, by siphoned or pumped into the piping of the city water system. All private fire protection systems having cross connection with private supplies must maintain the double check and gate valves, installed by an order of the State Board of Health, free from leakage or defect of any nature.

- (9) **Repairs to Service** The service pipe from the main to the curb will be maintained and kept in repair at the expense of the utility. The consumer shall maintain the service pipe from the curb to the point of use and can be billed for any water which has not passed through the meter and had been wasted by leakage of defective pipes and fixtures. If a consumer fails to repair a leaky or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the superintendent of the utility after notification had been served on the consumer by the superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.
- (10) **Repairs to Mains** The utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification by newspaper publication or otherwise, of the discontinuance of the supply.
- (11) **Thawing Frozen Services** Frozen services shall be thawed out by and at the expense of the utility except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumer's property, or failure to comply with water and sewer department specifications and requirements as to the depth of service, lack of sufficient backfill, etc.

Following the freezing of a service the utility shall take such steps and issue such instructions as may be necessary to prevent the refreezing of the same service. No charge will be made for wreathing if the instructions are followed. In case it is necessary to allow the water to flow to prevent refreezing, the consumer must make provisions for proper disposal of the waste water.

For the period in which the water is allowed to run, the consumer will be billed according to his meter readings but in no event to exceed the average amount paid in the corresponding billing periods of the previous two years. A new consumer will be charged the average bill for other consumers of the same class receiving service under comparable conditions.

- (12) **Repairs to Meters** Meters will be repaired by the water and sewer department and the cost of such repairs caused by ordinary wear and tear will be borne by the utility.

Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of anyone of them to properly secure and protect same including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the consumer or the owner of the premises.

- (13) **Stop Boxes** The consumer shall protect the stop box in his terrace and shall keep the same free from dirt and other obstructions. The utility shall not be liable for failure to locate stop box and shut off water in case of leak on the consumer's premises.

- (14) **Billing Procedure**

(a) **Unit of Service** (Applicable only if provided for in the rate schedule). A unit of

service shall consist of any aggregation of space or area occupied for a distance purpose such as a residence, apartment, flat, store, office or factory, etc., which is equipped with one or more fixtures for rendering water service separate and distinct from other users. Each unit of service shall be regarded as one consumer and the surcharge for additional consumers on a meter assessed accordingly.

Suites in houses, or apartments where complete housekeeping functions (such as cooking) are not exercised, shall be classed as rooming houses. Thus houses and apartments having suites of one, two or more rooms with toilet facilities but without kitchen or cooking are classed as rooming houses.

When a consumer's premises have several buildings each supplied with service and metered separately, the full service charge will be billed for each meter separately, but the readings will be cumulated. If these buildings are all used in the same business and are connected by the consumer, they can be metered in one place. If the utility, for its own convenience, installs more than one meter, the readings will be cumulated for filing.

- (b) **Payment of Bills** Bills for water and sewer service are rendered quarterly and become due and payable within the month the bill is issued. A penalty of three (3) percent will be added to bills not paid by the first of the following month after the bill is issued.

If the bill is not paid by the end of the month when the bill is issued, the consumer will be given written notice that the bill is delinquent and that unless payment or satisfactory arrangement for payment is made within the next eight (8) days, service will be disconnected without further notice.

Failure to receive a bill in no way exempts consumers from the provision of these rules.

Any special assessments or service by the city furnished to the property owner or renter and not paid for when duly billed shall be charged back to the property owner and shall be a lien on such property.

## (15) **Deposit and Guarantee Rules**

- (a) **For Property Owners** A deposit may be required if the credit of the consumer has not been established satisfactorily to the utility.
- (b) **For Renters** A deposit may be required of renters where property owners have notified the utility in writing that they preferred to have the water and sewer bills paid by the renter if the credit of the consumer has not been established satisfactorily to the utility.
- (c) **Deposit** The amount of deposit required may be a sum not exceeding the estimated gross bills for all service, both billed and unbilled, which can be supplied before the utility's filed disconnect rule becomes applicable. The amount to be deposited may be a minimum of \$1.00 per month for each class of water and sewer service furnished.

The deposit shall be refunded upon request of the customer after two years' service with payments within the prompt payment period, and without such request, shall be refunded voluntarily by the utility after three years' service with payments within the prompt payment period. In no case, however, will a deposit be refunded if the customer's standing is not satisfactory to the utility.

A new or additional deposit may be required upon reasonable written notice of the need for such a requirement in any case where a deposit has been refunded or is found to be satisfactory to the utility. The service of any customer who fails to comply with these requirements may be disconnected upon five days written notice.

- (16) **Reconnection Charge** Where a customer has contracted for yearly service and at his request service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same location or some other location, a reconnection charge of \$18.00, payable in advance, shall be collected.

A connection charge of \$18.00 shall also be required from consumers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules).

A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

- (17) **Failure to Read Meters** Where the utility is unable to read meter after two successive trials, the fact shall be plainly indicated upon the quarterly bill, the minimum charge assessed and the difference adjusted with the consumer when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.

If the meter is damaged (See surreptitious use of water) or fails to operate for any reason, the utility will render a bill for the current period, based on an average of the last two quarters, providing there is no particular reason why the use during that period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.

- (18) **Charges for Water Wasted Due to Leaks** When the meter registers losses due to pipe leaks, the utility shall determine whether or not the defect in the piping or equipment was known to the consumer, or being known, he had used his best efforts to correct the condition. If the utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the utility may determine as nearly as possible what is the amount of the loss by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer knew of the leak and failed to give proper attention to it, the utility will bill for the total consumption by the meter at regular rates.

- (19) **Compliant Meter Tests** If a consumer demands that a test be made of his meter in addition to the periodic or installation test, he shall pay a test fee of \$1.00 per inch of nominal size or fraction thereof. If the meter is found fast in excess of 2%, the payment for the test will be refunded and the usual adjustment made in the past bills.
- (20) **Operation of Valves and Hydrants - Penalty** Any person who shall, without authority of the superintendent, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall wantonly injure or impair the same shall be subject to a forfeiture of not less than \$10.00 nor more than \$100.00. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the water department will not be responsible for the damage to the motor vehicle by reason of such accident.
- (21) **Hydrant Connections** In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the water department when the sprinkling valve is set and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.
- (22) **Right to Open Hydrants** Only such persons as shall be authorized by the superintendent of the water department or the chief engineer of the fire department shall be permitted to open any fire hydrant for any purpose whatsoever and no one except such persons shall be permitted to take the hydrant wrenches or wheels or suffer the same to be taken from any fire engine house, except for fire department purposes.
- (23) **Inspection of Premises** Any officer or authorized employee of the utility shall have the right of access during reasonable hours to the premises supplied with service, for the purpose of inspection or for the enforcement of the utility's rules and regulations. The utility will make a systematic inspection of all unmetered water taps at least once every twelve (12) months for the purpose of checking waste and unnecessary use of water.
- (24) **Vacation of Premises** When premises are to be vacated, the utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the water department by reason of failure to notify the utility of vacancy.
- (25) **Private Wells and Metering of Existing Wells**
- (a) It shall be unlawful, and all persons are prohibited from drilling private wells in the City of Augusta when city water facilities are available.
  - (b) If city water facilities are not available, it shall be unlawful for any person to drill a private well unless said person received a permit from the City of Augusta, said City reserving the right to issue said permit, or in lieu thereof, to deny the same and to furnish city water facilities to the applicant.
  - (c) All private wells on premises that have access to city sewer facilities shall be metered in order that the City of Augusta may charge the owner for sewer use,



said charge being the same paid by other residents of the city for sewer use.

- (d) If any person shall violate any provision of this ordinance, upon conviction thereof, the person shall forfeit not less than \$5.00 nor more than \$10.00, together with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the county jail not to exceed 10 days, unless such fine and costs are sooner paid. Each day that a violation shall continue to exist shall constitute a separate offense.

## **7.02 AN ORDINANCE AUTHORIZING, SELLING AND ESTABLISHING THE TERMS OF \$400,000 SEWERAGE SYSTEM MORAGAGE REVENUE BONDS OF 1979, AND MAKING PROVISION FOR THEIR PAYMENT**

Take note that the following Ordinance 7.02 was passed on February 13, 1979, by unanimous roll call vote. Said Ordinance 7.02 will be on file with the Clerk-Treasurer for public inspection during any of its regular hours. Ordinance 7.02 and titles of sections are as set forth below:

- (1) Authorization and Sale of Bonds
- (2) Form of Bonds and Coupons
- (3) Bond Terms, Execution and Delivery
- (4) Security Provisions
- (5) Additional Covenants
- (6) Application of Bond Proceeds
- (7) Defeasance
- (8) Official Statement
- (9) Arbitrage Covenant; Arbitrage Certificate
- (10) Certification of Proceedings
- (11) Inconsistent Actions
- (12) Effective Date

## **7.03 CROSS CONNECTION CONTROL**

TO PROVIDE A PROGRAM FOR PROTECTING THE PUBLIC WATER SYSTEM FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS THROUGH THE WATER SERVICE CONNECTION INTO THE PUBLIC WATER

SYSTEM.

WHEREAS, Chapters NR810 and SPS 382, Wisconsin Administrative Code require protection of the public water system from contaminants due to backflow of contaminants through the water services connection; and

WHEREAS, The Wisconsin Departments of Natural Resources and Health and Social Services require the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of all portable water systems; now, therefore,

BE IT ORDAINED by the Council of the City of Augusta, State of Wisconsin:

- (1) That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains portable water from the City of Augusta water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one differential between the two systems.
- (2) That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby portable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Augusta may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and method of connection and use of such supply shall have been approved by the City of Augusta Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR810.15, Wisconsin Administrative Code.
- (3) That it shall be the duty of the City of Augusta Water Utility to cause inspections to be made of all properties served by the Public Water System where cross connections with the Public Water System is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City of Augusta Water Utility and as approved by the Wisconsin Department of Natural Resources.
- (4) That upon presentation of credentials, the representative of the City of Augusta Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Augusta for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under §66.122. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.
- (5) That the City of Augusta Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 6. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the

provisions of this ordinance.

- (6) That if it is determined by the City of Augusta Water Utility that a cross connection or any emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the City of Augusta and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.
- (7) That the City of Augusta adopts by reference the State Plumbing Code of Wisconsin being Chapter H62, Wisconsin Administrative Code.
- (8) That this ordinance does not supersede the State Plumbing Code and the City of Augusta plumbing ordinance 7.01, but is supplementary to them.
- (9) This ordinance shall take effect and be in force from and after the 5th day of March, 1985.

#### **7.04 LOCAL WELL REGULATION PROGRAM ORDINANCE**

The City Council of the City of Augusta does hereby enact the following ordinance relating to the sealing and filling of private wells within the boundaries of this municipality.

- (1) **Purpose** To prevent unused, unsafe and noncomplying wells from acting as vertical conduits for aquifer contamination or as sources of unsafe water that could enter the public water system through cross connections.
- (2) **Coverage** All private wells located on any premises which is served by the public water system of the City of Augusta.
- (3) **Requirements** All water supply wells that do not have valid operational permits issued pursuant to sub. (4), wells which are not routinely used, wells which are in noncompliance with ch. NR812, or wells which test bacteriologically unsafe, shall be properly sealed and abandoned in accordance with ch. NR812 by an established date not to exceed one year from date of connection to the public system, or date of discovery or construction.
- (4) **Well Operation Permits** Permits may be granted to well owners to operate wells for a period not to exceed five (5) years, renewable not less frequently than every 5 years, that will allow retention and operation of wells, if the following requirements are met:
  - (a) The well is safe and in compliance with ch. NR812 with the limitation that the well shall be functional and the owner shall have demonstrated a need for use.
  - (b) That a minimum of one safe sample be taken prior to issuing or reissuing the permit to establish that the water is bacteriologically safe.
  - (c) That the well and pump system be evaluated by a licensed well driller or pump installer and certified to comply with ch. NR812 subch. IV, prior to issuing the

initial permit and no less than every 10 years afterwards.

- (d) Unapproved cross-connections between any private well and pump installations and the municipal water system are prohibited.
- (5) **Documentation** There will be written documentation of the well and pump inspection indicating compliance with ch. NR8412 requirements using standardized forms provided by the department.
- (6) **Penalties** Any person violating any provision of this ordinance shall upon conviction be punished by a fine not less than \$25.00 nor more than \$500.00 together with the cost of prosecution. Each twenty-four (24) hour period during which a violation exists shall be deemed to constitute a separate offense.

*(Council repealed and enacted 7.04 on 12/9/2014)*

## **7.05 SERVICE OUTSIDE CORPORATION LIMITS**

- (A) The city does herewith limit its extension of any utility service as provided in this section. Only in exceptional cases and when authorized by the city council may utility service be furnished to properties located outside of the corporate limits of the city.
- (B) (Repealed September 9, 2014)
- (C) The rendering of such service as provided in this section shall not be deemed to be holding out or an offer by the city to furnish utility service beyond its corporate limits.
- (D) All customers receiving utility service as provided in this section shall fully comply with all ordinances and codes applicable to users of utility service within the city limits. Mains or services laid and the installation thereof outside the city limits shall be in accordance with the specifications of and under the supervisor of Public Works and be approved thereby. Maintenance of such mains or services shall conform to general city requirements.
- (E) Customers receiving utility service in accordance with the provisions of this section shall be subject to all utility charges which are applicable within the City and any other fees or charges imposed by the city council for utility service within or without the city, which may include special assessments or surcharges for extraterritorial services. (Adopted August 9, 2005)

## 7.06 SEWER USE AND USER CHARGE ORDINANCE

*Adopted December 14, 2010:*

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 7, UTILITIES, OF THE MUNICIPAL CODE OF THE CITY OF AUGUSTA, EAU CLAIRE COUNTY, WISCONSIN, RELATING TO PROCEDURES, SAFEGUARDS AND FUNDS TO CONSTRUCT, OPERATE AND MAINTAIN THE AUGUSTA WASTEWATER TREATMENT FACILITIES AND MEET WPDES PERMIT LIMITS FOR THE AUGUSTA WASTEWATER TREATMENT FACILITIES;

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

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

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

**WHEREAS**, the Public Service Commission establishes the rates and Rules and Regulations for the Water Utility; and

**WHEREAS**, this recreated ordinance establishes the sewer use and user charges for the Sewer Utility; and

**NOW, THEREFORE, BE IT ORDAINED, BY THE** Common Council of the City of Augusta, Eau Claire County, Wisconsin, as follows:

Section 1: Chapter 7 of the Code of Ordinances of the City of Augusta, Wisconsin, entitled "Utilities" shall be repealed and recreated as follows:

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

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

- (2) **DEFINITIONS** Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) **APPROVING AUTHORITY** shall mean the Common Council of the City of Augusta or its duly authorized City, committee, agent or representative.
- (b) **AMALGAM** means dental filing material made from a mixture of metallic mercury with powdered silver-tin-copper alloy.
- (c) **AMMONIANITROGEN (NH3-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of “Standard Methods.”
- (d) **BTEX** means benzene, toluene, ethyl benzene, and zylenes; volatile organic compounds (VOCs) commonly found in discharges from leaking underground storage tank (LUST) sites.
- (e) **BIOCHEMICAL OXYGEN DEMAND (BOD5)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD5 shall be made in accordance with procedures set forth in the most recent edition of “Standard Methods.”
- (f) **BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning at the outside face of the building wal I.
- (g) **BUILDING SEWER** shall mean the extension from the building drain to the public main, and is also referred to as the lateral. Except as specifically provided in the Ordinance, the City shall not be responsible for the construction or maintenance of building sewers or laterals.
- (h) **CHEMICAL ELEMENTS & COMPOUNDS** that are typically found in wastewater and may be regulated by this Ordinance are identified as follows:

Ammonia Nitrogen	NH <sub>3</sub> -N
Arsenic	As
Cadmium	Cd
Chloride	Cl
Copper	Cu
Chromium	Cr
Cyanide	Cn
Lead	Pb
Mercury	Hg
Nickel	Ni
Nitrogen	N
Phosphorus	P
Zinc	Zn

- (i) **CITY** shall mean the City of Augusta, a Wisconsin municipal corporation, located in the County of Eau Claire, State of Wisconsin.
- (j) **COMMERCIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the field of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.
- (k) **COMMON COUNCIL** means CITY'S local legislative body, as that term is defined in Wis. Stat. 15.34 (2009).
- (l) **COMPATIBLE POLLUTANTS** shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen or pH plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.
- (m) **DEPARTMENT OF COMMERCE (herein called "DOC")** shall mean the Wisconsin Department of Commerce, an executive department of the State of Wisconsin, created by Wis. Stat. 15.15 (2009).
- (n) **DEPARTMENT OF NATURAL RESOURCES (herein called "DNR")** shall mean the Wisconsin Department of Natural Resources, an executive department of the State of Wisconsin, created by Wis. Stat. 15.34 (2009).
- (o) **EASEMENT** shall mean the legal right for the use of land owned by others.
- (p) **FOG** means fats, oils, and grease.
- (q) **FOOD SERVICE FACILITY** means any facility engaged in the preparation of food for human consumption and/or serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunch rooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, and similar facilities. The term includes such facilities even if such use is incidental or accessory to the facilities primary use.
- (r) **FRYER** means oil that is used and/or reused in fryers for the preparation of foods such as fried chicken and French fries. Discharge of fryer oil into the sewer system is prohibited.
- (s) **GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
- (t) **GREASE** means fats, oils, and grease used for the purpose of preparing food or resulting from food preparation and includes all elements of FOG. The terms grease and FOG may be used interchangeably.
- (u) **GROUND GARBAGE** shall mean the residue from the preparation, cooking and

dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

- (v) **HOLDING TANK SERVICE AREA** shall mean the area outside the City's current sewer service area, but inside or equal to the City's future sewer service area where a contract has been developed by the City for holding tank wastewater to be treated at the wastewater treatment works.
- (w) **INCOMPATIBLE POLLUTANTS OR WASTEWATER** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.
- (x) **INDUSTRIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the field of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry or fishing.
- (y) **INDUSTRIAL WASTE** shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage. The term shall include cooling water and the discharge from pretreatment facilities.
- (z) **LICENSED DISPOSER** shall mean a person or business holding a valid license to do septage servicing under Wis. Admin. Code ch. NR113.
- (aa) **MERCURY (Hg)** is a hazardous chemical element that is a persistent, bioaccumulative pollutant. Its use is unnecessary since there are many mercury-free alternatives. No laboratory shall be used for testing for mercury unless it shall be qualified for low-level mercury analysis under Wis. Admin. Code Nr 149.12 (2).
- (bb) **MILLIGRAMS PER LITER (mg/L)** shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (cc) **MUNICIPAL WASTEWATER** shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may have inadvertently entered the sewer system.
- (dd) **NATURAL OUTLET** shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
- (ee) **NORMAL DOMESTIC SEWAGE** shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD<sub>5</sub>, TSS, total Kjeldahl nitrogen, and phosphorus concentrations meet the following:



- (i) A five day, 20°C BOD of not more than 260 mg/L
  - (ii) A total suspended solids content of not more than 300 mg/L
  - (iii) A total Kjeldahl nitrogen content of not more than 35 mg/L
  - (iv) A total phosphorus content of not more than 10 mg/L
- (ff) PARTS PER MILLION** (ppm) shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Equivalent to milligrams per liter (mg/L).
- (gg) PERSON** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.
- (hh) pH** shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .
- (ii) PRETREATMENT** shall mean an arrangement of devices and structures, for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.
- (jj) PRIVATE SEWER** shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewer.
- (kk) PUBLIC SEWER** shall mean any sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewers shall not include private sewers or building sewers.
- (ll) PUBLIC USER** shall mean any user discharging Normal Domestic Sewage whose premises are used primarily by a governmental entity, private school or public school.
- (mm) RESIDENTIAL USER** shall mean any dwelling discharging Normal Domestic Sewage. This includes single-family homes, mobile homes, duplex units and apartment units. Each single-family residential unit shall be invoiced as a separate user.
- (nn) SANITARY SEWAGE** shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.
- (oo) SANITARY SEWER SYSTEMS** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street

main.

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

or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods” and is referred to as nonfilterable residue.

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

### (3) **MANAGEMENT, OPERATION AND CONTROL**

- (a) **AUTHORITY.** The management, operation and control of the wastewater facilities of the City is vested in the Common Council; all records, minutes and all written proceedings thereof shall be kept by the City Clerk’ the City Clerk shall keep all the financial records.
- (b) **CONSTRUCTION.** The Common Council shall have the power to construct wastewater treatment facilities, pumping stations and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the City; and generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The

Common Council shall have power by themselves, their officers agents and representatives to enter upon any land for the purpose of making examination in the performance of their duties under this Ordinance, without liability therefore; and the Common Council shall have power to purchase and acquire for the City any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.

- (c) **CONDEMNATION OF REAL ESTATE.** Whenever the Common Council determines that any real estate or any easement is necessary to the wastewater facilities, and if a purchase agreement with the Owner is not possible, then the Common Council may proceed pursuant to Wis. Stat. ch. 32. If funds from the U.S. Government will be used for the project associated with the real estate or easement, the Common Council shall also proceed in accordance with the Uniform Relocation and Real Property Acquisition Policy Act of 1970.
- (d) **TITLE TO REAL ESTATE AND PERSONALTY.** All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, buildings, machinery and fixtures pertaining thereto, shall be the property of the City.

(4) **GENERAL SEWER USE REGULATIONS**

- (a) **GENERAL.** The rules, regulations, and sewer rates set forth in this Ordinance shall be considered a part of the contract between the City and every person, company, or corporation who is connected to or uses the sewer system or wastewater treatment works. No person may connect to the Sewer System without first obtaining a permit for such connection from the City. By connecting with the sewer system or wastewater treatment works every such person company, or corporation shall be considered as expressing their assent to be bound thereby. If any of the rules and regulations of this Ordinance, now or as later amended or adopted, are violated, the use or service shall be shut off from the building or place of such violation, even if two or more parties are receiving service through the same connection. The use or service shall not be re-established except by order of the Common Council and on payment of all arrears, expenses and charges of shutting off and putting on, and such other terms as the City may determine, and a satisfactory understanding with the violator that no further cause for complaint will arise. The Common Council may further declare any payment made of the service by the violator(s) to be forfeited and the same shall thereupon be forfeited. The City reserves the right to change these rules, regulations, and sewer rates from time to time as it may deem advisable and the right to make special rates and contracts in all proper cases.
- (b) **PLUMBER LICENSE REQUIRED.** No one will be permitted to do any plumbing or pipe fitting work on systems connecting to the public sewer system without first receiving a license from the State of Wisconsin. All service connections to the sewer main shall comply with the State plumbing code.
- (c) **SEPTIC TANKS PROHIBITED.** From December 31, 1988 the use of septic tanks, drain fields, cesspools, holding tanks or any other private sewage disposal system within the sewer service area of the City shall not be permitted unless

approved by the Common Council.

(d) **MANDATORY HOOK-UP.** The owner of each parcel of land within the City adjacent to a sewer main and on which exists a building where persons reside, congregate or are employed, or in a block through which such system is extended, shall connect to such system by installing a building sewer exclusive to that parcel within 365 days of notice in writing from the City. Upon failure to do so, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax against the property. The full cost of making the connection shall be the property owner's responsibility. In the alternative, the City at its option may impose a penalty for the period that the violation continues, after 10 days written notice to any owner failing to make a connection to the sewer system, in the amount of \$5 per day. Upon failure to make such payment, said charge shall be assessed as a special tax against the property, all pursuant to Wis. Stat. 281.45. The City may waive mandatory hook-up in cases where connection is determined to be impractical.

(e) **APPLICATIONS FOR SERVICE.** Every person desiring to connect to the sewer system shall file an application in writing with the City Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the City Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

Application for sewer service is limited to parcels within the corporate limits of the City unless a connection exists on June 1, 2010. Surcharged rates will apply to any parcel located outside of the corporate limits of the City that the City accept for service.

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

(f) **UTILITY RESPONSIBILITY.** It is expressly stipulated that no claim shall be made against the City, City or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the City, the City Clerk shall, if practicable, give notice to each and every customer within the affected area of the time when such service will be shut off.

(g) **RV DUMPING STATIONS.** Domestic waste holding tanks on Recreational Vehicles and trailers shall only be permitted to discharge at the wastewater treatment facility after the fee specified in Section 7.9(h) has been paid.

- (h) **ADDITIONAL AUTHORITY.** The Common Council may at any time establish specific connection charges for any building sewer connected or connecting to amend or alter any connection charge after its establishment under the terms of this Ordinance or previous ordinances or resolutions.

(5) **USER REGULATIONS**

- (a) **INDEPENDENT BUILDING SEWER REQUIRED.** Building sewers must be used exclusively by only one property. No user or owner shall allow other persons, other private sewers or other services to connect to the sewer system through their property's building sewer, If two or more buildings are served by one building sewer, the City may enforce compliance for mandatory hood-up pursuant to Section 7.3(d).
- (b) **MAINTENANCE OF BUILDING SEWER.** The property owner shall maintain the building sewer from the street main to the house, including all controls between the same, without expense to the City, except when they are damaged as a result of negligence or intentional willful misconduct by the City. All building sewers must be maintained free of defective conditions by and at the expense of the owner or occupant of the property.
- (c) **USER TO REPAIR BUILDING SEWER.** All users shall keep their building sewers in good repair and protected from frost at their own risk and expense and shall prevent any unnecessary overburdening of the sewer system.
- (d) **BACKFLOW PREVENTOR.** All sewer services shall have a backflow prevention valve installed and maintained at the owner's expense.
- (e) **VACATING OF PREMISES AND DISCONTINUANCE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; then the owner or user must notify the City Clerk in writing.
- (f) **USER TO PERMIT INSPECTION.** Every user shall permit the City, City or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all time, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Wis. Stat. 196.171.

(6) **BUILDING SEWER (LATERAL) CONSTRUCTION**

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

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

maintained at such excavations.

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

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

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

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

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

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

- (d) **CLEARWATER CONNECTION PROHIBITED.** No person shall make connections of roof downspouts, foundation drains, sump pumps, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected by the owner or the owner's agent within 60 days of written notice from the City.
- (e) **INSPECTION OF CONNECTION.** The applicant for connection shall notify the City Clerk when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the City.

(7) **EXTENSIONS OF SEWER MAINS**

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

- (a) **APPLICATION.** When an extension of a sewer main is requested by the prospective user, said person should make an application for such an extension in writing to the City of the City by filing of a written application. After the filing of such an application, the City shall determine the logical location of the next manhole and determine the length and location of the extension, taking into consideration and prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than the next manhole per Wis. Admin. Code 110.13(3). All sewers extensions shall be constructed in compliance with local and state laws, ordinances and regulations. All sewer extensions shall be subject to approval by the Common Council.
- (b) **PAYMENT BY USERS.** The cost of all sewer extensions in the City shall be paid through one or more of the following methods:
- (i) **PAYMENT OF COSTS.** The Common Council may recoup the costs of sewer main extensions through entering a developer's agreement under Wis. Stat. 66.0821(2) or through special assessment under Wis. Stat. 66.0703.
- (ii) **FUTURE USERS.** If a sewer main extension is financed by a developer(s) and a future sewer main extension is connected to the developer-financed extension within three years of its completion, then Wis. Admin. Code ch. PSC 187 shall apply.
- (c) **CONSTRUCTION.** If the City constructs the extension, full payment shall be made before construction begins unless otherwise agreed between the person requesting the extension and the Common Council. If the developer constructs the extension, no construction shall begin until the Common Council, the City Engineer, and any necessary County and State departments approve the plans. When construction is complete and all tests have been satisfactorily completed and all necessary right-of-ways or easements have been recorded, the City shall assume responsibility for the extension.
- (d) **PRESSURE SEWER.** The City will consider the use of low-pressure sewer systems where the developer demonstrates that pressure sewer is cost-effective compared to a conventional gravity system or offers overriding environmental benefit. For both types of systems, the City will operate and maintain only that portion of the system within the public street or easement.
- (i) **Cost-Effectiveness Analysis.** The developer's engineer shall prepare a cost-effectiveness analysis comparing gravity sewer to pressure sewer. The analysis shall include both the cost of the sewer in the public street



and the private sewer including the grinder pump. Estimated power and maintenance costs shall be included. Environmental benefits such as reduced disturbance of steep hillsides may also be considered. The City must concur with the selection of pressure sewer before detailed design proceeds.

- (ii) **Design Requirements.** Complete hydraulic calculations demonstrating flow and head conditions at both initial (first year) and fully developed conditions shall be prepared. Pressure sewer mains shall be SDR 11 HDPE. Pressure sewer building sewers to single-family users shall be 1 1/4". The developer shall provide a 1 1/4" curb stop and box at the property line. The developer shall connect to the main in the street with a fused HDPE tee, install all pipes with a 7 ft. minimum cover, and provide approved flushing connections at dead-ends, changes in pipe size, changes in direction and at intervals no greater than 1000 ft. Depending on the length of the system and number of connections, special odor-control methods or equipment may be required by the City at the discharge.
- (iii) **Construction.** All construction shall meet DNR and DOC requirements. Grinder pumps shall be furnished, installed and maintained by the user. Individual grinders for each single-family unit shall be provided except where multiple living units are under common ownership. The user shall also install the building sewer and make connection to the curb stop at the public street. Where a building sewer stub and curb stop were not provided during initial construction, the user shall install the building sewer to the main within the street. Only grinder pump units approved by the City are permitted to be connected to the sewer system. The user's sewer system and grinder pump shall be protected from clear water entry, including flood waters. No open sewer fixtures or grinder pump unit cover shall be located lower than 2 ft. above the 100 – year flood elevation.
- (iv) **Notice to Purchaser.** It is the seller's responsibility to provide notice to the lot purchaser about the City policies related to connection to pressure sewers. The City's pressure sewer User Information sheet and Typical Installation plan shall be provided to each lot purchaser served by pressure sewer.

**(8) SEPTAGE DISPOSAL**

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

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

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

- (c) **BOND AND INSURANCE REQUIRED.** The person(s) or party disposing waste shall furnish bond to the City in the amount of \$1,000 to guarantee performance. Said performance bond shall be delivered to the City Clerk prior to the issuance of the permit hereunder. Any person or party disposing of septage agrees to carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect and naming City as an additional insured.

All City approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the City may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

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

**(9) DISCHARGE REGULATIONS**

- (a) **GENERAL DISCHARGE PROHIBITIONS.** No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the City:
  - (i) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or

explosion or be injurious in any other way to the operating of the wastewater facilities or wastewater treatment works.

- (ii) Solid or vicious substance which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
- (iii) Any wastewater having a pH less than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater.
- (iv) Any wastewater containing arsenic, cadmium, copper, chromium, chloride, cyanide, lead, mercury, nickel, zinc, or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.
- (v) Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable to creating a public nuisance or hazard to like or health which are sufficient to prevent entry into the sewers for their maintenance or repair.
- (vi) Any substance that may cause the wastewater treatment works effluent, treatment residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
- (vii) Any substance that will cause violations of the WPDES permit or other disposal system permits.
- (viii) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (ix) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer that exceeds 120° F unless the wastewater facilities are designed to accommodate such temperature.
- (x) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD<sub>5</sub>), released in a single extraordinary discharge episode of such volume or strength as to cause interference with the wastewater treatment works.
- (xi) Any unpolluted water including, but not limited to, non-contact cooling water.
- (xii) Any wastewaters that may be acutely or chronically toxic to aquatic life or

wild or domestic animals.

- (xiii) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.
- (xiv) Any wastewater that causes a hazard to human life or health or creates a public nuisance.
- (xv) Any storm water, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the City.

**(b) LIMITATIONS ON WASTEWATER STRENGTH**

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

**(c) DILUTION.** No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance unless approved in writing by the City.

**(d) SUPPLEMENTARY LIMITATIONS.** No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the City:

<u>Material</u>	<u>Concentration (mg/L)</u>
Biochemical Oxygen Demand	260 mg/L
Suspended Solids	300 mg/L
Fats, Oil and Grease (FOG)	100 mg/L
Phosphorus	10 mg/L
Mercury	Non-detectable

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

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

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

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

- (f) **GREASE INTERCEPTORS.** All Food Service Facilities shall provide indoor or outdoor grease interceptors per Wis. Admin. Code Comm 82.34(5). Documentation on maintenance shall be provided to the City on request. Abnormal sewer or lift station maintenance expenses caused by discharge of grease shall be the responsibility of the discharger.
- (g) **AMALGAM MANAGEMENT AT DENTAL FACILITIES.** Any dental office that places or removes amalgam shall implement the amalgam management practices established by the Wisconsin Dental Association. Practices include capturing and recycling all forms of waste amalgam from empty capsules, excess scrap, chair-side traps, and vacuum filters. This section does not apply to dental facilities that do not place or remove amalgam, such as orthodontics, periodontics, oral and maxilla-facial surgery, endodontics or prosthodontics facilities. Every vacuum system where amalgam is placed or removed shall incorporate an amalgam separator that meets ISO 11143 standards by January 1, 2010. Facilities shall install, operate and maintain the amalgam separator according to manufacturer's instructions. The amalgam separator must be of sufficient capacity for the size of dental facility and vacuum system.

Records of amalgam separator maintenance shall be retained for a minimum of three years and shall be readily available for inspection and copying upon request by the City. Records must contain volume or weight of amalgam waste, name and address of shipper and name and address of destination. Dental facilities shall allow the City to enter the premises during normal operating hours for the purpose of inspection or records examination. Dental facilities implementing Wisconsin Dental Association BMPS and operating and maintaining an amalgam separator

are exempt from numerical mercury discharge limits as listed in Section 7.9(d).

- (h) **GROUNDWATER REMEDIATION DISCHARGES TO SEWER.** The requesting discharger or contracted agent shall file a notice of intent to discharge groundwater form with the City. The form shall include lab analysis for BTEX (Benzene, Toluene, Ethyl Benzene, Xylenes) compounds, gasoline range organics (GRO) and/or diesel range organics (DRO), as determined by the City on a case-by-case basis depending on the site. All sampling and analysis shall be performed in accordance with procedures contained in 40 CFR Part 136, Wis. Admin. Code ch. NR 219, or other such methods approved by the City. The City shall reply with acceptance or non-acceptance within thirty (30) days of the receipt of all required information. Acceptance shall be accompanied by monitoring requirements and estimated sewer use charges. Any change in ownership or contracted remediation party will require the resubmission of the above information prior to the continuance of any remediation discharge.
- (i) **SPECIAL AGREEMENTS.** No statement contained in the Ordinance shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater facilities or wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth in such agreement are complied with.

## (10) SEWER USER CHARGE SYSTEM

### (a) **ADDITIONAL DEFINITIONS**

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

- (i) **DEBT SERVICE CHARGES** shall mean all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater facilities and wastewater treatment facilities.
- (ii) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD<sub>5</sub> no greater than 260 milligrams per liter (mg/L), suspended solid no greater than 300 milligrams per liter (mg/L) and phosphorus no greater than 10 milligrams per liter (mg/L).
- (iii) **NORMAL USER** shall mean a user whose contributions to the sewer system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.
- (iv) **OPERATION AND MAINTENANCE (O&M) COSTS** shall mean all costs associated with the operation and maintenance of the wastewater facilities and wastewater treatment works. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various classes of sewer users.

- (v) **REPLACEMENT COSTS (R)** shall mean all costs necessary to accumulate the resources as required to maintain capacity and performance during the design life of the facility. Two separate, segregated, district Replacement Funds shall be established. The Treatment Replacement Fund shall be used only for replacement of equipment at the Wastewater Treatment Works. The Sewer Replacement and Extension Fund shall be used only for extension, replacement or rehabilitation of sanitary sewers.
- (vi) **SEWER SERVICE CHARGE** is a service charge levied on users of the sewer system for payment of Debt Service, Operation and Maintenance costs and Replacement of said facilities.

(b) **POLICY.** It shall be the policy of the City to obtain sufficient revenues to pay the costs for the debt service, operation and maintenance of the wastewater facilities, including the replacement funds, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such wastewater facilities.

(c) **CONNECTION CHARGE.** Persons attaching to a public sewer main shall have the building sewer from the sewer main installed at their own expense and shall pay a connection charge as follows:

Residential (Single family)	\$500
Multiple Family Residential (per dwelling unit)	\$250 per dwelling unit
Churches	\$400
Commercial & Industrial (Domestic Only)	\$500
Motels & Laundromats	\$600
Hospitals and Clinics	\$2,500
Schools	\$2,500

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

(e) **RESIDENTIAL EQUIVALENCY UNIT CHARGE.**

- (i) A Residential Equivalency Unit Charge (REU) is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage including non-domestic and industrial wastes, into the sewer system. Such residential equivalency charge shall be payable as herein provided and shall be on the basis of one

unit for each residential equivalent unit. Each single-family dwelling shall be assigned one unit. A single-family dwelling is defined as a mobile home, a seasonal dwelling, a duplex unit, and apartment unit, a single family detached dwelling or a unit in a multi-family building.

- (ii) Periodically the Clerk shall recompute the assignment of residential equivalent units to all users within the sewer system. Said recalculation shall be based upon the average amount of water used by each customer (other than single-family dwellings) compared to the average amount of water used by all single-family dwellings for the 4 most recent quarters. In no event shall each customer (other than single-family dwellings) be assigned a residential equivalent unit that is less than one unit. A list of calculated REU units is included as Appendix A. A new user will be assigned initial REU units based on Appendix B.

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

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

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

- (i) **CATEGORY A** is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD<sub>5</sub>) no greater than 260 milligrams per liter (mg/L), total suspended solids (TSS) no greater than 300 milligrams per liter (mg/L) and Phosphorus (P) no greater than 10 milligrams per liter (mg/L). The Sewer Service Charge for Category A wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective.
- (ii) **CATEGORY B** is defines as wastewater having concentrations of Biochemical Oxygen Demand (BOD<sub>5</sub>) greater than 260 milligrams per liter (mg/L), Phosphorus (P) greater than 10.0 milligrams per liter (mg/L) and/or total suspended solids (TSS) greater than 300 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 260 mg/L BOD<sub>5</sub>, 10.0 mg/L P and 300 mg/L TSS. The Sewer Service Charge for Category B wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective.



(iii) **CATEGORY C** is defined as septage or holding tank wastewater that has concentrations of Biochemical Oxygen Demand (BOD<sub>5</sub>) greater than 260 milligrams per liter (mg/L), Phosphorus (P) greater than 10.0 milligrams per liter (mg/L) and/or total suspended solids (TSS) greater than 300 milligrams per liter (mg/L). Charges will be based on the unit prices provided in the current rate schedule plus an administrative charge of \$25 per load. It will be assumed that holding tank wastewater has a BOD<sub>5</sub> of 600 mg/L, P of 20 mg/L and a TSS of 1,800 mg/L and septic tank wastewater has a BOD<sub>5</sub> of 5,000 mg/L, P of 200 mg/L and TSS of 15,000 mg/L unless an actual analysis is furnished by the discharger. The Sewer Service Charge for Category C wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least on month before the change is effective.

(g) **SEWER SERVICE CHARGE AMOUNTS.** The amount of the Residential Equivalency Charge (REC) and the Sewer Use Charge as listed in Appendix A.

(h) **RV DUMPING STATIONS.** Notwithstanding anything contained in the Ordinance to the contrary, sewage dumping stations serving domestic waste holding tanks on Recreation Vehicles and trailers shall pay \$10 per use.

(i) **UNIQUE USERS.** The City, at any time hereafter, establish additional rates for any large commercial service, industrial user or any other unique user that does not readily fit into other user categories.

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

## (11) **PAYMENT FOR CHARGES**

(a) **PAYMENT AND PENALTY.** The Sewer Service Charge shall be for the corresponding period of the water bills, monthly for all users. Charges shall be payable to the City Clerk not later than 20 days after the date of the invoice. A penalty of one percent (1%) per month shall be added to all bills not paid by the date fixed for payment.

(b) **CHARGES A LIEN.** All Sewer Service charges imposed by this Ordinance or another ordinance adopted by the City shall be a lien upon the property serviced pursuant to Wis. Stat. 66.0809(3) and shall be collected in the manner therein provided.

(c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account that shall show all receipts and expenditures of the wastewater facilities. Charges collected for Replacement Funds shall be credited to segregated, non-lapsing Replacement accounts. These funds are to be used exclusively for the

replacement purpose defined by the City. All present outstanding sewer system general obligation bonds, including refunding bonds and revenue bonds shall be paid from the wastewater facilities fund as to both principal and interest.

(12) **INDUSTRIAL AND SEPTAGE WASTEWATERS**

- (a) **DISCHARGE CONDITIONS.** If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities that contain substances or possess the characteristics which violate the limits and regulations enumerated in Section 7.8 and which, in the sole discretion of the City may be detrimental to the wastewater facilities, the City may:
- (i) Reject the wastes;
  - (ii) Require pretreatment to an acceptable condition for discharge to the sewer system;
  - (iii) Require control over the quantities and rates of discharge
  - (iv) Require payment to cover the added cost of handling and treating the wastewater not covered by existing sewer service charges under the provisions of Section 7.10(f)(iii).
- (b) **SEPTAGE DISCHARGES.** Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.
- (c) **CONTROL MANHOLES**
- (i) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points at each connection to the sewer system to facilitate observation, measurement, and sampling their waste, excluding domestic sewage when feasible.
  - (ii) Control manholes or access facilities shall be located and built in a manner acceptable to the City. If measuring devices are to be permanently installed, they shall be of a type acceptable to the City.
  - (iii) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be subject to approval by the City prior to the beginning of construction.
- (d) **MEASUREMENT OF FLOW.** The volume of flow used for computing the Sewer Use Charge for non-septage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained

by the City Water Utility unless approved wastewater flow meter are provided.

- (e) **PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the City that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the wastewater volume discharged into the public sewer may be made a matter of agreement between the City and the industrial wastewater discharger.
- (f) **METERING OF WASTEWATER.** Devices for measuring the volume of wastewater discharged may be required by the City if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater shall be furnished, installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the City.
- (g) **WASTEWATER SAMPLING**
  - (i) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the City.
  - (ii) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City.
  - (iii) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the City or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Wisconsin certified laboratory.
- (h) **PRETREATMENT.** The City may require the discharger to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities. The discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
- (i) **GREASE AND/OR SAND INTERCEPTORS.** The City may require the discharger to provide for grease, oil, and sand interceptors, which shall be readily and easily accessible for cleaning and inspection. The discharger shall maintain the interceptors and shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms. All Food Service Facilities shall provide indoor and outdoor grease interceptors per Wis. Admin.

Code Comm 82.34(5). Documentation on maintenance shall be provided to the City on request. Expenses associated with abnormal sewer or lift station maintenance caused by discharge of grease shall be the responsibility of the discharger.

**(j) ANALYSIS**

- (i) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinance shall be determined in accordance with the latest edition of Standard Methods by a laboratory certified under Wis. Admin. Code ch. NR 149. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.
- (ii) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging the wastewater or by their agent, as designated and required by the City. The City may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the City may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under Wis. Admin. Code ch. NR 149 and be reasonably acceptable to both the City and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be the responsibility of the discharger.

**(k) SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, of wastewater processing facilities shall be submitted for review by the City and the City Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

**(l) SUBMISSION OF BASIC DATA.** Within three (3) months after the effective date of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the City, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The City shall be notified not less than 60 days in advance of implementation of any plans that change the discharge of industrial waste by more than 15 percent of flow or strength. Such a request shall be evaluated as provided in Section 7.12(a).

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

**(13) ANNUAL AUDIT**

The City shall have conducted an independent annual audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer use charge system and to ensure that adequate revenues are available relative to increasing operation,

maintenance and replacement costs and debt service charges. The findings and recommendations of this audit shall be available for public inspection.

**(14) VIOLATIONS AND PENALTIES**

- (a) **DAMAGES.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment that is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest.
- (b) **WRITTEN NOTICE OF VIOLATION.** Any person connected to the wastewater facilities found to be violating a provision of this Ordinance other than Section 7.14(a) shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event of an emergency the notice may be verbal.

Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this Ordinance or of any conditions of the City's approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septate disposal approval.

- (c) **DELETERIOUS DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the wastewater facilities, wastewater treatment works, or receiving water body shall, in addition to a forfeiture, pay the amount to repair all damages, both of which will be established by the Common Council.
- (d) **DISCHARGE REPORTING.** Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the City Clerk.
- (e) **LIABILITY TO CITY FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation that the City might suffer as a result thereof.
- (f) **DAMAGE RECOVERY.** The City shall have the right of recovery from all persons of any expense incurred for the repair or replacement of any part of the wastewater facilities or wastewater treatment works damaged in any manner by any person by the performance of any work under their control, or by any negligent or willful acts of that person or that person's employees or agents.
- (g) **PENALTIES**
  - (i) Any person who violates any of the provisions of this Ordinance or applicable City regulations, who connects a service pipe or discharges without first having obtained a permit, or who shall violate any provisions

of the Wisconsin Statutes, Wisconsin Administrative Code, or any other material which are incorporated by reference, upon conviction of such violation shall forfeit not less than \$50 nor more than \$500, together with statutorily prescribed court costs and assessments. This provision shall not bar the City from enforcing the mandatory connection requirement of Section 7.14(d).

(ii) Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation after the lapse of the time limit provided for cessation of a violation, upon conviction of such continuing violation, shall forfeit not less than five hundred (\$500), together with statutorily prescribed court costs and assessments. In default of payment of such forfeiture and costs, said violator shall be subject to imprisonment in the County Jail for a period not to exceed one (1) day for each \$40 of unpaid forfeiture and costs. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(h) **APPEAL PROCEDURES.** Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file a written appeal with the City within ten (10) days of the date of such decision, action or determination, setting forth in detail the facts supporting the users's appeal. The City shall render a decision on the written appeal to the user in writing within thirty (30) days of receipt of appeal. If the ruling on the request for reconsideration made by the City is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Common Council. A fee of \$100 shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant. This Section 7.14(h) shall not apply to any citation or pending court action.

## (15) **VALIDITY**

(a) **REPEAL OF CONFLICTING ORDINANCES.** This Ordinance shall supersede all previous ordinances, resolutions, orders, or city regulations and shall repeal all parts thereof that may be in conflict with this Ordinance. If there is any conflict between this Ordinance and any applicable Wisconsin Statute, the Statute shall be controlling.

(b) **SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(c) **AMENDMENTS.** The City, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

## **7.07 TAX INCREMENTAL DISTRICT WATER AND SEWER CHARGES**

AN ORDINANCE AMENDING CHAPTER 7 – UTILITIES, IN THE AUGUSTA MUNICIPAL CODE OF ORDINANCES, AMENDED BY ADDING 7.07 - TAX INCREMENTAL DISTRICT WATER AND SEWER CHARGES

The City Council of the City of Augusta, Wisconsin (the “Council”) does hereby ordain as follows:

SECTION I: Chapter 7 of the City of Augusta Municipal Code of Ordinances, is hereby amended by adding subsection (.07) as follows:

- (1) The City of Augusta, Eau Claire County, Wisconsin plans to make several improvements to its Water and Sewer Utilities including but not limited to Lincoln Street Infrastructure and Street Improvements, and all other related upgrades, and all other related upgrades to facilities also identified as Safe Drinking Water Loan Project # 5186-04 & Clean Water Fund Project #4545-07 (“the Project”).
- (2) The City intends to adopt a resolution authorizing the issuance of revenue bonds to pay for the Project, and has determined that such improvements benefit the City Tax Incremental District No. 4.
- (3) A tax incremental district water and sewer charges are hereby imposed upon the City of Augusta for all of the costs of the Project (including debt service coverage ratio requirements imposed by a bond resolution) which are applicable to improvements undertaken in connection with the City’s Tax Incremental District No. 4 (the “District”), whether located within or outside the District. The charge against the Tax Incremental District No. 4 for the above referenced project shall be no less than 100% of the Project loan principal and interest payments. The tax incremental district shall further maintain adequate funds to provide an additional debt coverage amount of 10% of the Project loan principal and interest payments as a reserve for the revenue bond.
- (4) An additional Tax Incremental District charge is hereby imposed under the following condition: If the life of the loan exceeds the legal repayment period of TID No. 4, the Village reserves the right to charge the TID No. 4 during the repayment period of the TID No. 4 for payments which will be come due and payable after the TID No. 4 payment period has expired for remaining principal payments allocable to the aforementioned improvements.
- (5) A Tax Incremental District payment shall be issued semi-annually directly to the municipal water and sewer utility checking accounts prior to the debt service date(s). This obligation shall only apply to the debt incurred due for the costs of the Project. Upon final debt service payment by the water and sewer utilities for the Project then this ordinance shall be automatically repealed.

SECTION II: The Municipal Code is amended in conformity with this ordinance.

SECTION III: This ordinance shall take effect upon passage and publication in accordance with the law.

Ordinance # 7.07 was introduced at a regular meeting of the City Council held the 10<sup>th</sup> day of December, 2019, and its adoption moved by Council member Hicks, and seconded by Council member TePaske.

The vote was as follows: 5 Aye, 0 Nay. Motion carried.