

## CHAPTER 13

### MUNICIPAL UTILITIES

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SUBCHAPTER I: NEW LONDON ELECTRIC AND WATER UTILITY

13.01 COMBINED ELECTRIC AND WATER UTILITIES (CH. ORD. #605).

The City's electric and water utilities are hereby combined into a single public utility and shall be known as the New London Electric and Water Utility.

13.02 MANAGEMENT OF NEW LONDON ELECTRIC AND WATER UTILITY.

The New London Electric and Water Utility Commission shall manage the New London Electric and Water Utility.

13.03 NEW LONDON ELECTRIC AND WATER UTILITY COMMISSION. (1) MEMBERSHIP. See sec. 1.05(6) of this Code.

(2) COMPENSATION. Each Commissioner, as full compensation for services as a member of the Commission, shall be paid from the revenues of the Utility the sum of \$25 per month. Commissioners may be reimbursed for expenses incurred for carrying out their duties.

(3) OFFICERS. The Commission, by majority vote, shall elect from its members a President, who shall preside over the meetings, and a Vice-President, who shall act for the President during his absence. The Commission shall select a Secretary who shall be responsible for maintenance of records. An election of officers of the Commission shall be held at the first regular meeting at which all members are present following the appointment of a new Commissioner for a full term, but not later than the second meeting following the appointment.

(4) MEETINGS. The Commission shall meet on the first and third Tuesdays of each month, except when such meeting date falls on a legal holiday, the meeting shall be held on the following Wednesday. Special meetings may be held as required following appropriate notice. The Commission shall adopt rules for the conduct of its meetings.

(5) POWERS AND DUTIES OF COMMISSION. (a) Generally. The Commission shall take entire charge and management of the Utility, appoint a manager and authorize such subordinates as may be necessary and fix their compensation, and shall supervise the operation of the Utility under the general control of the Council, pursuant to §66.0805, WI. STATS.

(b) Utility Public Works and Equipment. Pursuant to §62.15 and §66.0805, it shall be the duty of the Commission to superintend all public works under its jurisdiction. The Commission, with the assistance of the Manager and the City Attorney, shall be responsible for the purchase of Utility equipment and letting of Utility contracts. No Utility public works project shall be commenced or contracted for, nor equipment purchased, until such project or equipment has been budgeted by the Commission and funds are available.

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- (c) Policy. The Commission shall establish written policies to govern the Utility operations to cover employees' duties, customer rates, services, rules and termination procedures, expenditures of funds and other appropriate policies.
- (d) Surety Bonds. The Commission may require surety bonds for any of the officers and employees of the Utility in such amounts as the Commission deems necessary. The premiums for the bonds shall be paid by the Utility in the same manner as any other operating expense.
- (e) Extension of Services (Rep. & Recr. Ord. #797).
  - 1. Extension Defined. As used within this chapter, the term "extension" of water or sewer service means providing service to a person who is not receiving such service at the time of the enactment of this paragraph, or laying mains, pipes or other connections to any person outside the City limits who does not currently have such connections, or significantly expanding the type or amount of service provided to any existing customer outside the City limits.
  - 2. Extension Restricted.
    - a. The Utility Commission may extend electrical service beyond the City limits to the extent authorized by the Council and §66.069(2), Wis. Stats.
    - b. Restriction of Service Extension.
      - i. Except as otherwise may be specifically agreed in a written contract entered into between the City and approved exclusively by the Council, the City and its water and sewer utilities will not extend water or wastewater service beyond the City limits.
      - ii. A person outside the City limits who wishes to receive an extension of water or wastewater service may apply for such service under procedures established by the City, but the extension of service may be denied if the area to be served is not annexed to the City.
  - 3. Existing Service. Nothing in this paragraph shall affect the City's obligation to continue to provide water and wastewater service at existing levels of service to any person outside the City limits receiving service at the time this paragraph is adopted, providing such service shall have been approved by the Council.
- (f) Use of Streets for Utility Installations. The Commission may use the ground over, under or along any road, railroad, highway, street, sidewalk, thoroughfare, alley or waterway in the operation of the utility, but shall in all cases and subject to the applicable general regulations of the City, cause the surface of the public way to be restored to its original condition. However, prior to any street opening, the Utility shall apply to the Director of Public Works for a permit for any proposed street opening. The Director of Public Works shall have 10 days after receipt of such application to grant a permit allowing the opening of the street. The Utility shall not be charged a fee for said permit. The Utility shall be responsible for the actual excavation and resurfacing of said street, but all such work shall be subject to the approval of the Director of Public Works. The provisions of this paragraph shall not apply in the case of an emergency. Subsequent repair to Utility street openings shall be made by the City and charged to the Utility.

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- (g) Rates. Rates shall be sufficient to pay all operating and maintenance expenses of each respective utility operation and all bond interest and redemption costs of the respective utility operation. All electric and water rates shall be established by the Wisconsin Public Service Commission.
- (h) Disbursements. No money shall be drawn from the funds of the Utility nor shall any obligation for the expenditure of money be incurred except in conformity with authorization by the Commission. No claim against the Utility shall be paid unless evidenced by a voucher approved by the Commission. All bills of the Utility shall be approved by the Commission and said bills shall be paid out of the City Treasury pursuant to §66.042(3), Wis. Stats., and shall be signed by the Clerk-Treasurer and countersigned by the Mayor.
- (i) Public Information Expenditures. The Commission may authorize reasonable expenditures to acquaint the public with the operations, programs and plans of the Utility and to encourage conservation.

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- (j) Investment of Surplus Funds. The Commission may invest surplus funds of the Utility only as authorized by §66.0811 (2), WI STATS.
- (k) Budget. The Commission shall, annually, supervise and be responsible for the preparation of a separate budget for each utility.
- (l) Audit. The funds and accounts of the Utility shall be audited annually by a certified public accountant and shall be open to public inspection.

13.04 UTILITY MANAGER. The Commission shall appoint and employ a Manager who shall be qualified by training and experience for the overall management of the Utility. The Manager's salary shall be fixed by the Commission. He shall have such authority as delegated to him by the Commission and the Council. The Manager shall recommend to the Commission the number of employees necessary for the operation of the Utility and fix their duties, subject to the approval of the Commission. The Manager shall have the authority to terminate employees and shall have the authority to fill those positions which have previously been authorized by the Commission. The Manager shall supervise actual construction and repairs, the immediate management of the operation of the electric and water systems and the enforcement and execution of all rules and regulations, programs, plans and decisions made or adopted by the Commission. He shall maintain suitable permanent records regarding his actions. The Manager shall prepare plans and specifications, take bids and let contracts, subject to the approval of the Commission and the Council. The Manager shall supervise all Utility projects. All contracts relating to Utility projects shall be approved by the Commission and executed as provided for in §62.15(12), Wis. Stats.

13.05 RATES, RULES AND REGULATIONS. (1) GENERALLY. The rates, rules and regulations of the New London Electric and Water Utility shall be those approved by the Council and on file and approved by the Wisconsin Public Service Commission.

- (2) OPERATING RULES. All persons now receiving a water or electric supply from the Utility or who may hereafter make application therefore shall be considered as having agreed to be bound by all rules and regulations as filed with the Wisconsin Public Service Commission.
- (3) PSC RULES AND REGULATIONS APPLICABLE. All applicable Public Service Commission rules and regulations which are presently in existence or as subsequently amended are incorporated herein by reference. Copies of all current Public Service Commission rules and regulations shall be kept on file in the offices of the Clerk-Treasurer and the Utility.

PAYMENT OF DELINQUENT ELECTRIC UTILITY BILLS 13.05 (m)

(CREATING ORD. #1147)

- 13.05(m) DETERMINING RESPONSIBILITY FOR PAYMENT OF DELINQUENT ELECTRIC UTILITY BILLS
- (1) JOINT LIABILITY FOR ELECTRIC UTILITY BILLS. The owner of the premises, the occupant thereof and the user of the services shall be jointly and severally liable to pay for the service to such premises and the service is furnished to premises by the Utilities only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Utility.
  - (2) COLLECTION OF UTILITY BILLS IN ARREARS. AUTHORITY. All electric service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in Section 66.0809, Wis. Stats 2003-04, respectively.
    - (a) On or about October 1 of each year the Secretary of the New London Utility shall furnish the City Clerk of the City of New London with a list of all unpaid electric service utility bills including penalties which are in arrears.
    - (b) On or about October 10 of each year, the Utility Staff shall mail a notice of such arrearages by first class mail to the occupant and to the owner of the premises receiving such utility service, stating that it will be added to property tax as a Special Assessment.
    - (c) In the event any such utility bill is not paid on or before October 31, the City Clerk shall, on November 1, place the amount of such arrearages, together with penalty, on the tax roll as a Special charge against the lot or parcel of real estate for which electric services were provided.
  - (3) DELINQUENT ACCOUNTS. The New London Utility will maintain records of delinquent accounts for a period of six years. If the occupant or past user applies for services and has a delinquent account, the New London Utility will refuse to provide services until the delinquent account is paid in full. If the owner of the real estate for which the services were provided has heretofore paid for those services, the owner shall be reimbursed by the Utility.

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13.06 FLUORINATION OF WATER SUPPLY. Approximately one to 1.5 parts of fluoride to every million parts of water by distribution shall be introduced into the City's water supply.

13.07 AIR CONDITIONING REGULATED. (1) NONCONSERVANT WATER-COOLED UNITS PROHIBITED. No person shall connect any nonconservant, water-cooled air conditioning or refrigeration system to the public water supply system of the City, provided, any existing nonconservant, water-cooled air conditioning or refrigeration system connected to such public water supply and operating prior to July 7, 1967, shall be permitted to continue during the operating life of such nonconservant unit only. When the existing nonconservant unit requires replacement for any reason, the same shall be replaced by a conservant type unit and the prohibition against nonconservant units shall then apply.

(2) NONCONSERVANT WATER-COOLED UNITS DEFINED. A nonconservant unit shall be one which:

- (a) Uses water from the building plumbing system directly for cooling refrigerant, which discharges to waste or to lawn sprinklers or any other place where the water is not cooled and reused for cooling the refrigerant, or
- (b) Uses an average of more than 12 gallons of water from the building plumbing system an hour for each ton of cooling capacity when the unit is operating, or
- (c) Has accompanying conservant equipment installed, but which has the piping so connected that a valve may be opened or other means are provided so that water may be taken from the building plumbing system to allow operation of the unit when the conservant equipment is out of service, or
- (d) Uses water for air conditioning without the use of compressor or cooling refrigerant.

(3) CONSERVANT WATER-COOLED UNITS DEFINED. A conservant unit shall be one which:

- (a) Is equipped with cooling tower, evaporative condenser, spray pond, or other equipment or device which shall directly or indirectly cool refrigerant, conserve water.
- (b) Can use water from the building plumbing system only for make-up water to replace water lost by evaporation or by flushing of the equipment.
- (c) Uses an average of less than 12 gallons of water from the building plumbing system an hour for each ton of cooling capacity when the unit is operating under full load at maximum summer temperatures.

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- (d) Has no piping connection to allow operation of the unit by direct use of water from the building plumbing system either in conjunction with or in place of such cooling tower, evaporative condenser, spray pond or other recirculating and heat-exchanging equipment or device.
- (4) INSPECTION OF PREMISES. The Utility Manager or any authorized employee of the New London Electric and Water Utility shall have the right of access to premises supplied with water service for the purpose of inspection and enforcement of this section.
- (5) PENALTY. Any person violating this section shall be subject to the penalty as provided in sec. 13.09 of this subchapter.

13.08 CROSS CONNECTION TO WATER SERVICE. (Amd. Ord. #1271).

The purpose of this ordinance amendment is to further clarify the implementation of a water system cross connection program to include how the program will be implemented and how inspections will occur.

- (1) DEFINED. A cross connection shall be defined as any physical connection or arrangement between *two* (2) otherwise separate systems, one of which contains potable water from the City water system and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the *two* (2) systems. This definition shall include, but not be limited to:
  - (a) Any connection between the City of New London water system and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system;
  - (b) Any connection between the City of New London sewer system and a potable water supply outlet, such as a hose or pipe, which is submerged or can be submerged in wastewater and/or any other source of contamination.
- (2) Cross Connections Prohibited. No person, firm, or corporation shall establish any cross connection, or permit a cross connection to be established or maintained. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the City of New London may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the New London Utilities and by the Wisconsin Department of Natural Resources in accordance with Wis. Admin. Code NR810.15(2).



- (3) Inspections. It shall be the cooperative duty of the Building Inspector and the New London Utilities to cause inspection to be made of all properties served by the New London water system where cross connection 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 respective departments above, and as approved by the Wisconsin Department of Natural Resources (WDNR). Generally, responsibility for inspections shall be as follows:
- (a) All residential inspections shall be inspected on a ten-year basis by the New London Utilities staff.
  - (b) All industrial, commercial, retail, multi-family and institutional buildings serviced by the New London Utilities shall be inspected on a two-year interval or as determined by the Building Inspector and approved by the WDNR. The property owner must, at their own expense, have the plumbing inspected for cross connections by a State of Wisconsin Certified Cross Connection Device Tester, ASSE Series 5000 Cross Connection Control Professional, or by a State of Wisconsin licensed Master Plumber.
  - (c) The frequency of required inspections and re-inspections, based on potential health hazards involved, may be shortened by the Building Inspector or the New London Utilities; provided, that the property owner is given notice of the new frequency of inspections by certified letter.
- (4) RIGHT OF ENTRY. Upon presentation of credentials, the representative of the agency listed in subsection (3) 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 New London for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under §66.0119, Wis. Stats. On request of 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. Failure to allow inspection is subject to prosecution under this section.
- (5) ENFORCEMENT / Penalties. Properties determined to have a cross connection violation shall be notified to take corrective action to eliminate the violation. If the violation is not corrected within 60 days, the Building Inspector will initiate enforcement.

## CROSS CONNECTION TO WATER SERVICE 13.08

(a) Authority to Discontinue Service. The New London Utilities is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of the section exists, and to take such other precautionary measures as may be deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and an opportunity for hearing under Wis Stat. Ch. 68, except that if it is determined that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, a written finding of that fact shall be filed with the City Clerk and delivered to the offender's premises and service may be immediately discontinued. The offender shall then have an opportunity for hearing under Wis. Stat. 68 within 10 days of such emergency discontinuance. Water service to such property shall not be restored until the cross connection or cross connections have been eliminated in compliance with the provisions of this section.

(b) Forfeiture. Violations of this section shall also be subject to the forfeitures provided in Section 13.09.

- (6) Owner Responsibility. The property owner shall be financially responsible for the elimination or protection from all cross connections on their premises in compliance with Wis. Admin. Code SPS 382.
- (7) STATE CODE ADOPTED. The State Plumbing Code, Wis. Adm. Code SPS 382 is hereby adopted by reference. This section is supplementary to the State and City Plumbing Code.

13.081 PRIVATE WELL ABANDONMENT (Cr. Ord. #840). (1) PURPOSE. To prevent contamination of ground water and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system are properly abandoned.

- (2) APPLICABILITY. This section applies to all wells located on premises served by the City water system.

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- (3) DEFINITIONS. (a) Municipal Water System. A system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, county, town, sanitary district, utility district or public institution, as defined in §49.10(12)(f)l., Wis. Stats., or a privately owned water utility serving any of the above.
- (b) Noncomplying A well or pump installation which does not comply with the provisions of Wis. Adm. Code NR 112 in effect at the time the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.
- (c) Pump Installation. The pump and related equipment used for withdrawing water from a well, including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
- (d) Unsafe. A well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Wis. Adm. Code NR 109 or 140 or for which a health advisory has been issued by the Department of Natural Resources.
- (e) Unused. A well or pump installation which is not used or does not have a functional pumping system.
- (f) Well. An excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water for consumption or other use.
- (g) Well Abandonment. The filling and sealing of a well according to the provisions of Wis. Adm. Code NR 112.
- (4) ABANDONMENT REQUIRED. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this section and Wis. Adm. Code NR 112 by November 15, 1991 or no later than one year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the Utility Manager.

- (5) WELL OPERATION PERMIT. The Utility Manager may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Utility Manager, or his agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:
- (a) The well and pump installation meet or are upgraded to meet the requirements of Wis. Adm. Code NR 112.
  - (b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells unless the Department of Natural Resources approves, in writing, the continued use of the well.
  - (c) There are no cross-connections between the well and pump installation and the municipal water system.
  - (d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (6) ABANDONMENT PROCEDURES. (a) All wells abandoned under the jurisdiction of this section or rule shall be abandoned according to the procedures and methods of Wis. Adm. Code NR 112. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well or the owner's agent shall notify the Clerk-Treasurer at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Building Inspector.
  - (c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within 10 days of the completion of the well abandonment.

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- (7) PENALTIES. Any well owner violating any provision of this section shall, upon conviction, be punished by forfeiture of not less than \$50 nor more than \$200 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this section for more than 10 days after receiving written notice of the violation, the City may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

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

SUBCHAPTER II: NEW LONDON SEWER UTILITY

13.10 MANAGEMENT OF NEW LONDON SEWER UTILITY. The New London Sewer Utility shall be managed by the Public Works Committee under the general direction of the Council. The Director of Public Works shall be responsible for the administration of the Utility as provided in sec. 1.04(2) (a) of this Code.

13.11 SEWER USER REGULATIONS (Rep. & Recr. Ord. #689; Rep. & Recr. Ord. #770; Am. Ord. #1207). (1) DEFINITIONS.

- (a) Ammonia Nitrogen (NH<sub>3</sub>-N). 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><sup>+</sup>. Quantitative determinations of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods.
- (b) Approving Authority. The Council or its duly authorized deputy, agent or representative.
- (c) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 200 C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."
- (d) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning approximately 5 feet (1.5 meters) outside the inner face of the building wall.
- (e) Building Sewer. The extension from the building drain to the public sewer or other place of disposal; also called house or lateral connection. Once constructed, the portion of the building sewer located within the public right of way or easement shall be considered an integral part of the sewer system. However, the maintenance of the building sewer from the building to the sanitary sewer main remains the responsibility of the property owner. Maintenance of the Sanitary Sewer Main is the responsibility of the City.
- (f) Combined Sewer. Any sewer intended to serve as a sanitary sewer and a storm sewer.
- (g) Commercial User. Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall also include multifamily residences having 3 or more units served by a single meter.
- (h) Composite Sample (24 Hours). The combination of individual samples taken at intervals of not more than one hour.

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- (i) Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the NPDES permit for the publicly owned treatment works receiving the pollutants if such works was designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.
- (j) Chlorine Requirement. The amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods."
- (k) Easement. An acquired legal right for the specific use of land owned by others.
- (l) Floatable Oil. Oil, fat or grease in a physical state such that It will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (m) Flow Proportional Sample A sample taken the volume of which is proportional to the volume of flow during the sampling period.
- (n) Garbage. The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.
- (o) Ground Garbage. The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.
- (p) Incompatible Pollutant. Any pollutant which is not a compatible pollutant, as defined in par. (1) above.
- (q) Industrial User. Any user whose premises are used primarily for the conduct of á profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry or fishing.
- (r) Industrial Waste. Any trade or process waste as distinct from segregated domestic wastes or wastes from sanitary conveniences.
- (s) Institutional User. Any user whose premises are used primarily for the conduct of activities of a social, charitable or educational character.

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- (t) Intercepting Sewer. A sewer whose primary purpose is to convey sewage from a collection system or systems to a wastewater treatment plant. Size of the sewer is not a factor.
- (u) Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwaters.
- (w) Normal Domestic Wastewater. Sanitary wastewater resulting from normal domestic activities in which BOD<sub>5</sub>, 55 and P concentrations do not exceed normal concentrations of:
  - 1. A 5 day, 20° C., SOD<sub>5</sub> of not more than 275 mg/l.
  - 2. A suspended solids content of not more than 300 mg/l.
  - 3. A phosphorus concentration of not more than 12 mg/l.
- (x) Person. Any and all persons, including any individual, firm or company, or any municipal or private corporation, association, society, institution, enterprise or governmental agency, or other entity.
- (y) pH. 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 concentration of 10
- (aa) Phosphorus (P). Total phosphorus in wastewater, which may be present in any of 3 principal forms, orthophosphates, polyphosphates and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with procedures set forth in "Standard Methods.
- (bb) Pretreatment. 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.
- (cc) Public Authority. Any user whose premises are used for the conduct of the legislative, judicial, administrative or regulatory activities of Federal, State, local or international units of government; government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments.
- (dd) Public Sewer. Any sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds.



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- (ee) Sanitary Sewage. 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.
- (ff) Sanitary Sewer. A sewer that carries sanitary and industrial water-carried wastes from users of the public sewer system, together with minor quantities of ground, storm and surface water that are not admitted intentionally.
- (gg) Segregated Domestic Wastes. Wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.
- (hh) Sewage. The spent water of a community. The preferred term is wastewater (See par. (tt) below).
- (ii) Sewage System The composite network of underground conduits carrying wastewater and appurtenances incidental thereto, i.e. manholes, lift stations, service lateral.
- (jj) Sewer. A pipe or conduit that carries wastewater or drainage water.
- (kk) Slug. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration or flow during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.
- (ll) Standard Methods. 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 Federation of Sewage and Industrial Wastes Associations.
- (mm) Storm Drain. Sometimes termed "storm sewer." A drain or sewer for conveying storm water, groundwater, subsurface water or unpolluted water from any source.
- (nn) Storm Water Runoff. That portion of the rainfall that is drained into the sewers.

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- (oo) Suspended Solids (SS). Solids that either float on the surface of, or are in suspension in, water, wastewater or other liquid, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as nonfilterable residue.
- (pp) Unpolluted Water. Water of quality equal to or better than the wastewater treatment plant effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment plant provided.
- (qq) User Classes. Classes of users having similar flows and water characteristics; i.e. levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this section, there shall be 4 user classes, i.e., residential, commercial, industrial and public authority.
- (rr) User Categories. Categories of users which discharge effluent containing BOD , suspended solids or phosphorus in amounts greater than normal, as defined in par. (w) above. These categories shall include:
  - C<sub>1</sub> = Category 1 user: An industry, business or residence which regularly discharges effluent containing BOD, suspended solids or phosphorus in amounts considered greater than normal and was considered a major source of such substances in wastewater treatment plant design and construction.
  - C<sub>2</sub> = Category 2 user: An industry, business or residence which, during 9 of 12 consecutive months, discharges effluent containing BOD<sub>5</sub>, suspended solids or phosphorus in amounts of greater than normal concentration and was not considered as a major source of such substances in the wastewater treatment plant design and construction.
  - C<sub>3</sub> = Category 3 user: An industry, business or residence which discharges effluent containing BOD<sub>5</sub>, suspended solids or phosphorus in amounts of greater than normal concentrations during 2 out of 4 consecutive months.
  - C<sub>4</sub> = Category 4 user: All users not otherwise classified.
- (ss) WPDES Permit. The permit issued under the Wisconsin Pollutant Discharge Elimination System, Wis. Adm. Code NR 120.
- (tt) Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from users of the public sewer system, together with any groundwater, surface water and storm water that may be present.

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- (uu) Wastewater Facilities, The treatment works defined in par. (vv) below, exclusive of interceptor sewers, and waste-water collection systems.
  - (vv) Wastewater Treatment Works. An arrangement of devices and structures for the storage, treatment recycling and reclamation of wastewater, liquid industrial wastes and sludge. These systems include interceptor sewers, outfall sewers, waste— water collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal or industrial wastes.
  - (ww) Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
- (2) USE OF THE PUBLIC SEWERS. (a) Sanitary Sewers. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.
- (b) User Connections (Am. Ord. #797). 1. The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located, or may in the future be located, a public sanitary sewer of the City is hereby required at the owner's expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this section within 3 months after the date of official notice from the Approving Authority to do so. If any person fails to comply after the expiration of the time provided by the notice, the City may impose a penalty equal to 150% of the fixed quarterly charge found in the user charge system for each quarter until such time as the connection is made by the owner, or the City may cause connection to be made. In the latter case, the expense thereof shall be assessed as a special tax against the property. The owner may, within 30 days after the completion of the work, file a written option with the Clerk—Treasurer stating that he cannot pay the amount in one sum and asking that it be levied not to exceed 5 equal annual installments, and the amount shall be so collected with interest at the rate of 10% per year from the completion of the work, the unpaid balance to be a special tax lien.
2. Extension to users Beyond the Corporate Limits. In addition to other requirements, the restrictions stated in sub.

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13.03(5) (e) above shall be adhered to in the event the user requesting connection to the system or extension of service is making the request for property outside the City.

- (c) Storm Sewers. Storm water other than that exempted under par. (a) above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

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- (d) Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
  3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  5. The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if, in its opinion, such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:
    - a. Wastewater having a temperature higher than 150°F.(65° C.).
    - b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.

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- c. Any water or waste, which may contain more than 100 mg/l of fat, oil or grease.
- d. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
- g. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Approving Authority in compliance with applicable State or Federal regulations.
- h. Quantities of flow or concentrations, or both, which constitute a "slug," as defined herein.
- i. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

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- k. Materials which exert or cause:
    - i. Unusual BOD<sub>5</sub>, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
    - ii. Unusual volume of flow or concentration of wastes constituting "slugs," as defined herein.
    - iii. Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate.
    - iv. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.  
No wastewater, regardless of character, shall be discharged to the collection system in such a manner as to interfere with the designed operation of the collection system or treatment facilities, or to cause the treatment works to exceed the limits presented by the WPDES permit.
  - (e) Special Arrangements. No statement contained in this subsection 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 sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal 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 this section are recognized and adhered to.
  - (f) New Connections. New connections to the collection system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport and/or treat, as required by the WPDES permit, the additional wastewater anticipated to be received from such connections.
- (3) CONTROL OF HIGH STRENGTH-TOXIC WASTES DIRECTED TO PUBLIC SEWERS. (a) Submission of Basic Data. Within 3 months after passage of this section, establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Wis. Mm. Code NR 101. Similarly, each establishment desiring to make a new connection to public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

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- (b) Extension of time. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by par. (a) above, a request for extension of time may be presented for consideration of the Approving Authority.
- (c) High Strength Toxic Discharges If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in sub. (2) above and which, in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:
1. Reject the wastes.
  2. Require pretreatment to an acceptable limit for discharge to the public sewers.
  3. Require control over the quantities and rates of discharge and/or
  4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sub. (2) (e) above.

The toxic pollutants subject to prohibition or regulation under this subsection shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Section 307(a) of the Clean Water Act of 1977 and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Section 307(a) and associated regulations.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Section 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

- (d) Control Manholes. Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to



## MUNICIPAL UTILITIES (SEWER UTILITY) 13.11 (3)

the Approving Authority. Control manholes, access facilities and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it 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 approved by the Approving Authority prior to the beginning of construction.

- (e) Metering of Waste. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- (f) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority. Sampling shall be conducted 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 Approving Authority. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. 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.
- (g) Analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location times, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority. Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.
- (h) Pretreatment. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are

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harmful to the structures, processes or operation of the waste-water treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

- (i) Submission of information. Plans, specification and any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.
  - (j) Grease and/or Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in sub. (2) (d)1.c. above, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner 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 which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.
- (4) RIGHT OF ENTRY, SAFETY AND IDENTIFICATION. (a) Right Entry The Wastewater Treatment Plant Superintendent or other duly authorized employe of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing, all in accordance with the provisions of this section and State laws. The Superintendent or other duly authorized employee of the City shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.
- (b) Safety. While performing the necessary work on private premises referred to in par. (a) above, the duly authorized City employees shall observe all safety rules applicable to the premises established by the owner or occupant and the City. shall indemnify the owner against loss or damage to its property by the City employees and against the liability claims and demands for personal injury or property damage asserted against the owner and growing out of gauging and sampling operation of the City employees; except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in sub. (3) (e) above.

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- (c) Identification, Right to Enter Easements. The Plant Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.
- (5) SEWER CONSTRUCTION (BUILDING SEWERS). (a) Work Authorized. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority. Work performed on a public sewer or building sewer shall require a sewer construction permit. The fee for this permit shall be \$30. The connection of the building sewer to the public sewer shall require a connection permit, the fee for which shall be \$10. All fees shall be paid prior to the issuance of the permit. No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving a license from the State of Wisconsin and posting a \$10,000 bond with the Approving Authority, except in cases where State law permits building owners to do their own work without being licensed. Said bond shall receive prior approval of the City legal counsel and shall be released upon satisfactory inspection of the work in accordance with par. (i) below. Prior to commencement of the work, the permittee shall notify the City at least 48 hours before beginning excavations.
  - (b) Connection Charge. The owner of each new user connection shall be assessed a connection charge based upon benefits accrued to each parcel of land from the installation of sanitary sewers. All connection charges shall be in accordance with the approved user charge system and shall be in addition to the building sewer construction costs, sewer service charges and any other charges resulting from the connection to the public sewer.
  - (c) Cost of Sewer Construction. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner, who may request that the work be performed by the Approving Authority or who may employ an independent contractor to do the work. In the latter case, the owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, modification or connection of the building sewer. Except as herein provided, all charges accruing to the owner under this section may be treated as special assessments in accordance with the provisions of the Wisconsin Statutes.
  - (d) Use of Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are

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found on examination and test by the Approving Authority to meet all requirements of this section.

- (e) Materials and Methods of Construction. The size, slope, alignment, materials of construction of building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Wisconsin Administrative Code, the State Department of Natural Resources, the Waupaca County Building and Plumbing Codes and other rules and regulations of the City. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F Manual of Practice No. 9 shall apply.
- (f) Building Sewer Grade. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (g) Storm and Groundwater Drains. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a public sanitary sewer must be disconnected no later than 60 days from the date of an official written notice by the Approving Authority. Exceptions to the above shall be made only by the Approving Authority in writing.
- (h) Conformance to plumbing Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the Waupaca County Building and Plumbing Codes and other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9 when not otherwise specified. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation. All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe.
- (i) Inspection of Connection. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority. The permit shall include the cost of

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one inspection by the Approving Authority. The owner shall pay the costs of any additional inspections that may be required for quality assurance.

- (j) Barricades; Restoration All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public *from* hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (jm) Sewer Replacements Reconnection (Cr. Or. 930) The sewer lateral to a building shall be connected to the nearest adjacent public sanitary sewer main, in the event that during public sewer reconstruction it is found that such a connection does not exist, that connection shall be made and the old building sewer lateral abandoned and made watertight. The new connection shall be paid for by the property owner.
- (k) Sewer Main Extensions. In addition to all other pertinent sections of this subchapter, any person requesting an extension of the public sanitary sewer main shall be responsible for all of the following duties:
  - 1. All costs and expenses incident to the installation of a sewer main extension, including engineering, shall be borne by the person requesting the extension. This person shall secure and furnish proof of an escrow account for the estimated amount of the total sewer costs, the amount to be determined by the Approving Authority. The account shall be so arranged and a special agreement executed between the person, the bank and the Council to allow the latter to withdraw monthly amounts from the account sufficient to cover monthly payments to subcontractors under contract with the City for the sewer installation. The amounts of monthly withdrawals, as determined by the Council, shall be billed to the person requesting the extension and shall be due within 10 days of the date of billing.
  - 2. Design of any proposed sewer extension shall be performed by an engineering consultant selected by the person requesting the extension, the resulting construction plans and specifications shall be reviewed and approved by the City's engineer and by the Approving Authority prior to submittal to the Wisconsin Department of Natural Resources. All plans shall conform to the standards of the WDNR and such additional requirements and standards that the Approving Authority may establish, and shall be prepared by a professional engineer registered to practice in the State. Construction inspection and contract administration shall be performed by the City's engineer.

3. The person requesting the sewer extension shall assist in securing all required utility easements, the location and width of which shall be determined by the City. The City shall furnish blank easement forms to the person who will be responsible for the proper legal description of the easement parcel and for the proper execution of the easement by grantor. All completed easements shall be submitted to the City designated as the grantee for its review and shall be recorded at the Waupaca County Register of Deeds office by the City.

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4. The person requesting the sewer extension shall also execute any other special agreements deemed necessary by the Approving Authority.
- (6) SEPTIC TANK AND HOLDING TANK DISPOSAL. (a) Permit Required. No person in the business of gathering and disposing of septic tank sewage and/or holding tank sewage shall transfer such material into any portion of the treatment works unless a permit for disposal has been first obtained from the Council. Written application for this permit shall be made to the Council and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The time and place of disposal shall be designated by the Council. The Council may impose such conditions as it deems necessary on any permit granted.
- (b) Charges. Charges for disposal shall be established in accordance with the City user charge system. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.
  - (c) Insurance Required. Any person disposing of septic tank and/or holding sewage shall carry public liability insurance in an amount not less than \$100,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
  - (d) Acceptance Times. Septic tank and/or holding tank wastes will be accepted between November 15 and the following April 15 and at such other times as may be established by the Approving Authority. Discharges are prohibited if there is insufficient treatment plant capacity, the discharge is not compatible with the treatment process or if the discharge would cause the plant to violate its permit.
  - (e) Waste Prohibited. The discharger shall certify that he will comply with the provision of any and all applicable provisions of the City and will not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand or other harmful solid material to pass into any part of the treatment works.
  - (f) Save Harmless Agreement. The person disposing waste agrees to indemnify and save harmless the City from any and all liability and claims for damages arising out of or resulting from work and labor performed.

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- (g) Performance Bond Required. The person disposing waste shall furnish a bond to the City in the amount of \$5,000 to guarantee performance. Said performance bond shall be delivered to the City and shall receive prior approval of the City Attorney prior to the issuance of the permit hereunder.
- (7) DAMAGE OR TAMPERING WITH SEWAGE FACILITIES. (a) Willful, Negligent or Malicious Damage Prohibited. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage facilities. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.
- (b) Liability of Discharger For Losses. Any person who intentionally, negligently or accidentally violates any provisions of this section shall become liable to the City or any downstream user for any expense, loss or damage occasioned by reason of such violation which the City or any downstream user may suffer as a result thereof. This paragraph shall be applicable whether or not a written notice of the violation was given as provided in sub. (8) (a) below and without consideration for any penalties which may be imposed for a violation of this section.
- (8). VIOLATIONS AND PENALTIES. (a) Written Notice of Violation. Any person found to be violating any provision of this section 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.
- (b) Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a forfeiture, pay the amount to cover damage, both values to be established by the Approving Authority.



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(c) Continued Violations. (Rep. Replc. Ord. #913). Any person, partnership, or corporation, or any officer, agent or employee thereof shall continue any violation beyond the aforesaid notice time limit provided shall be charged an additional fee in their routine billings for exceeding effluent limits as determined by monitoring and sampling the user's discharge lines for Class 1, 2 and 3 users as follows:

1. Alkalinity/Acidity (pH)

pH bevel	Fine/Occurrence
2 or less	\$6,000
3.0 to 3.909	\$3,000
4.0 to 4.99	\$1,000
9.01 to 9.99	\$1,000
10.0 to 10.99	\$3,000
11.0 or higher	\$6,000

An occurrence shall be 30 minutes or less. If 24 hour recording meters are not available, then the fine for a 24 hour composite will be \$6,000 per 24 hour composite.

2. Biological Oxygen Demand (BOD) for 24 hour composite sample:

1 to 499 lbs. over limits:	\$0.35/lb., plus \$350/mo.
500 to 999 lbs. over limits:	\$0.50/lb., plus \$700/mo.
1,000 plus lbs. over limits:	\$0.75/lb., plus \$1,000/mo.

3. Suspended Solids (55) for 24 hr. composite sample:

1 to 199 lbs. over limits:	\$0.45/lb. plus \$350/mo.
200 to 399 lbs. over limits:	\$0.75/lb. plus \$700/mo.
400 plus lbs. over limits:	\$1.00/lb. plus \$1,000/mo.

4. Phosphorous (k), based on 24-hour composite sample:

First 39 lbs. over limits:	\$3.25/lb. plus \$350/mo.
40 to 99 lbs. over limits:	\$4.00/lb. plus \$700/mo.
99 lbs. plus over limits:	\$6.00/lb. plus \$1,000/mo.

5. Hydraulic Loading:

Gallons per day = gpd

First 50,000 gpd over limits:	\$3.50/1,000 gals.
50,000 to 100,000 gpd over limits:	\$5.00 / 1,000 gals.
10,0001 plus gpd over limits:	\$7.00/1,000 gals.

6. Substances exceeding Section 13.11(2) (d) of this ordinance:

1st occurrence within a 24month period	\$ 500
2nd occurrence within a 24month period	\$3,000
3rd occurrence within a 24 month period	\$6,000

An occurrence shall be 30 minutes or less in duration.

B) Limits for Section 13.11 (2) (d), 1 through 5 shall be defined by cost rate with each Class 1, Class 2 and Class 3 industry approved to use the City's sewage service.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.11 (8) (d)

- (d) Liability to the City for Losses. Any person violating any provision of this section shall become liable to the City for any expense, loss or damage occasioned by reason of such violation which the City may suffer as a result thereof.
- (9) APPEAL PROCEDURE. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this section or in any permit issued herein, may file with the Council a written request for reconsideration within 10 days setting forth in detail the facts supporting the user's request for reconsideration. The Council shall render a decision on the request for reconsideration to the user, permit applicant or permit holder, in writing, within 15 days of receipt of request.
- (10) AMENDMENT. The City, through its duly qualified officers, reserves the right to amend this section in part or in whole wherever it may deem necessary, but such right shall be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.
- (11) ANNUAL AUDIT. The City shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of the user charges relative to changes in system operation and maintenance costs.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12

13.12 USER CHARGE SYSTEM (Rep. & Recr. Ord. #694; Rep. & Recr. Ord. #771). (1) DEFINITIONS. (a) Approving Authority. The Council or its duly authorized deputy, agent or representative.

- (b) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."
- (c) Commercial User. Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall also include multifamily residences having 3 or more units served by a single water meter.
- (d) Composite Sample (24 Hours). The combination of individual samples taken at intervals of not more than one hour.
- (e) Fixed Charge. The charge for the cost of debt retirement associated with the construction, erection, modification or rehabilitation of the wastewater treatment works.
- (f) Flow Proportional Sample. A sample taken that is proportional to the volume of flow during the sampling period.
- (g) Industrial User. Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry or fishing.
- (h) Industrial Waste. Any trade or process as distinct from segregated domestic wastes or wastes from sanitary conveniences.
- (i) Normal Sewage. Sanitary sewage in which BOD<sub>5</sub> or SS concentrations do not exceed normal concentrations of:
  - 1. A 5 day, 20° C., BOD of not more than 275 mg/i.
  - 2. A suspended solids content of not more than 300 mg/l.
  - 3. A phosphorus content of not more than 12 mg/i.
- (j) Operation and Maintenance (O&M) COSTS. Includes all costs associated with the operation and maintenance of the wastewater treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the wastewater treatment facilities.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (1)

- (k) Person. Any and all persons, including any individual, firm, company, municipal or private corporation, association, society institution, enterprise, governmental agency or other entity.
- (l) Public Authority. Any user whose premises are used for the conduct of the legislative, judicial, administrative or regulatory activities of Federal, State, local or international units of government; government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments.
- (m) Replacement. Expenditures for processing and installing equipment, accessories and appurtenances necessary during the useful life of the treatment works to maintain its designed capacity and performance.
- (n) Residential User. Any user whose premises are used primarily as a domicile for One or more persons and discharges only domestic wastes, but not including multi-family dwellings classified as commercial users, as defined in par. (c) above.
- (o) Sanitary Sewer. A sewer that carries sanitary and industrial water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.
- (p) Segregated Domestic Wastes. Wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.
- (q) Sewage. The spent water of a community. The preferred term is "wastewater" (see par. (aa) below).
- (r) Sewer Service Charge. A charge levied on users of the wastewater collection and treatment facilities for capital related expenses as well as operation and maintenance costs of said facilities.
- (s) Sewer Use Charge. The charge levied on users of a treatment works for the user's proportional share of the cost of operation and maintenance, including replacement, of such works.
- (t) Shall. Shall is mandatory; may is permissible.
- (u) Standard Methods. 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 Pollution Control Federation.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (1)

- (v) Unmetered User. A user who is not connected to the municipal water system and thereby does not have his private water supply metered.
- (w) User Charge System. That system which generates operation, maintenance and replacement (O, M, &R) revenues equitably for providing each user category with services.
- (x) User Classes. The classes of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, phosphorus, etc. For the purpose of this section, there shall be 4 user classes, i.e. residential, commercial, industrial and public authority.
- (y) User Categories. Categories of users which discharge effluent containing BOD<sub>5</sub>, suspended solids or phosphorus in amounts greater than normal as defined in par. (i) above. These categories shall include:
  - C<sub>1</sub> = Category 1 user: An industry, business or residence which regularly discharges effluent containing BOD<sub>5</sub>, suspended solids or phosphorus in concentrations considered greater than normal and was considered a major source of such substances in treatment plant design and construction.
  - C<sub>2</sub> = Category 2 user: An industry, business or residence which, during 9 of 12 consecutive months discharges effluent containing BOD<sub>5</sub> suspended solids or phosphorus in amounts of greater than normal concentration and was not considered as a major source of such substances in the plant design or construction.
  - C<sub>3</sub> = Category 3 user: An industry, business or residence which discharges effluent containing BOD<sub>5</sub> suspended solids or phosphorus in amounts considered greater than normal during 2 out of 4 consecutive months.
  - C<sub>4</sub> = Category 4 user: All users not otherwise classified.
- (z) Volume Charge A sewer use charge based upon normal strength wastewater quantities.
- (aa) Wastewater. The spent water 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 be present.
- (bb) Wastewater Facilities. The treatment works defined in par. (cc) below, exclusive of interceptor sewers, and wastewater collection systems.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (1)

- (cc) Wastewater Treatment Works. An arrangement of devices and structures for the storage, treatment recycling and reclamation of wastewater, liquid industrial wastes and sludge. These systems include interceptor sewers, outfall sewers, waste— water collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal or industrial wastes.
- (2) BASIS FOR SEWER USER CHARGES. (a) Sewer Users Served by Water Utility Water Meters. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water metered by the City a user charge based, in part, on the quantity of water used as measured by the City water meter on the premises.
- (b) Sewer Users Served by Unmetered Sources. Except as provided below, no sewer user shall be served by unmetered sources, private or public. All persons discharging wastewater into the public sanitary sewer system shall be required to have water meters installed for the purpose of determining the volume of water consumed. Where wastewater meters are already installed, the water meters will not be required. Water meters shall be furnished by the City and installed under its supervision.
- (c) Measurement of Flow From High Strength or Toxic Waste Dischargers:
1. Basis For Charges. The volume of flow used for computing the user charge shall be the metered water consumption of the user as shown in the records of meter readings maintained by the City, except as noted in par. (d) below.
  2. Provisions For Deductions. In the event that an establishment discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 20% 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 waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the user. Satisfactory evidence shall be evidence obtained by approved metering.
- (d) Metering of Industrial Waste. Devices for measuring the volume of waste discharge may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (2)

- (e) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. The use of flow proportional composite sampling is preferred.
  - (f) Free Service. No user shall receive free service or pay a sewer use charge less than the user's proportional share of operation, maintenance and replacement costs.
- (3) BILLING PRACTICE. (a) Billing Period. Fixed charges for all customers shall be billed on a monthly basis. Variable charges shall be billed on a monthly basis.
- (b) Payment. Sewer service charges shall be payable 20 days after the billing date to the City.
  - (c) Penalties. 1. Charges levied in accordance with this section shall be a debt due to the City. If the debt is not paid within 20 days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 1—1/2% of the amount of the monthly bill per month and all unpaid balances will be compounded monthly.  
2. Charges and penalties shall constitute a lien upon the property serviced and be recorded on the tax roll of the City. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
  - (d) Notification. Each user shall be notified annually, in conjunction with a regular bill, of the rate schedule attributable to wastewater treatment services, including an explanation of the charges.
- (4) AMOUNT OF USER CHARGES.
- 13.12(4)(a) (Repealed - Ord. #1165; Amd. Ord. #1269; Amd. Ord. #1326; Amd. Ord. #1340).
- (a) The base monthly fixed charge for all users shall be \$3.00.

MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (4)

13.12(4)(b) Variable Monthly Charge (Volume Charge)

1. Normal Domestic Wastewater Categories 1, 2 or 3.

Volume Charge:

Metered user: \$9.34 / 1,000 gallons.

Unmetered User: \$33.97 / per month, based on estimated annual flows.

2. Wastewater of greater than normal strength. Charges to users discharging wastewater of greater than normal strength shall be computed by terms of separate contract or if no contract, in accordance with the following formula.

$$C = 3.0 + 9.34(V) + .00834 (V) [\$0.88(B) + \$0.70(S) + \$3.90(P)]$$

Where:

C = Charge to sewer user for operation, maintenance and replacement costs for treatment works.

V = Wastewater volume in 1,000 gallon units

B = Concentration of BOD from a user above the strength of 275 mg/l

S = Concentration of suspended solids from a user above the strength of 300 mg/l

P = Concentration of phosphorus from a user above the strength of 12 mg/l .00834 = Conversion factor (mg/l to lbs.)



MUNICIPAL UTILITIES (SEWER UTILITY) 13.12 (4)

(c) HOLDING AND SEPTIC TANK WASTEWATER  
(Amd. Ord. #1186; Amd. Ord. #1311)

1. Charges to licensed holding and septic tank dischargers shall be computed on the basis of the density of suspended solids (TSS) as measured from the testing of the Waste Water dumped into our plant for treatment.

- A. Waste  $\leq$  2000 mg/l of TSS shall be processed at a volume charge of \$8.25 per 1,000 gallons.
- B. Waste  $>$  2000 mg/l of TSS shall be processed at a charge of \$20.00 per 1,000 gallons.
- C. RV and similar waste dumps of less than 1,000 gallons shall be charged \$10.
- D. Licensed holding tank and septic tank hauler Annual Permit fee shall be \$15.00.

(5) AUDIT. The city shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of user charges relative to changes in system operation, maintenance, replacement costs. The basic format of the system shall conform to that in Attachment A which is hereby adopted by reference and is on file in the office of the Plant Superintendent.

13.20 CREATION OF MUNICIPAL BROADBAND UTILITY

- (A)
  - 1. Pursuant to Chapters 62 and 66 of the Wisconsin Statutes and, without limitation, Wis. Stat. § 62.11(5), the Common Council hereby exercises its authority to create a municipal broadband utility as a department of the City of New London.
  - 2. The broadband utility shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a municipal broadband utility to provide, among other things, telecommunications, data, fiber optic, Internet, cable television, video and information services in and around the New London area.
  - 3. The broadband utility shall be under the charge and management of the New London Utility Commission, which may exercise all powers necessary or desirable to effect its purposes.
- (B) **VALIDITY.** Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- (C) **CONFLICTING PROVISION REPEALED.** All ordinances in conflict with any provision of this ordinance are hereby repealed.