

## MUNICIPAL UTILITIES

### CHAPTER 13

#### MUNICIPAL UTILITIES

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### 13.01 UTILITY COMMISSION

#### (1) COMPOSITION.

a. Organization. The Utility Commission of the City of Algoma shall consist of five (5) members whose duty it shall be to have the entire charge and management of the Algoma Utility of the City of Algoma. The Commission shall have full authority to supervise the operation of the utility subject only to the general control and supervision of the Common Council.

b. How Selected. The Utility Commission shall consist of five (5) Commissioners, and shall include one Alderperson and four (4) residents of the City. The Alderperson shall be appointed to the Commission during the Council's annual organizational meeting and shall serve a one-year term. The terms of the remaining Commissioners shall be for four (4) years and shall be staggered so that no more than one Commissioners term shall expire each year. All terms of Commissioners shall commence on the third Tuesday in April of the year in which they begin their term and all terms shall end on the third Tuesday in April of the year in which their term ends. Appointments of all members are by the Mayor, subject to Council approval.

c. Eligibility. No person shall be eligible to serve as a member of the Utility Commission, or to hold any office or position under this Commission who directly or indirectly has any pecuniary interest in any contract for furnishing heat, light, water, power or other public service to or for the City of Algoma or the citizens thereof or who is a stockholder in any cooperation which has any such contract. Any such office or position shall become vacant upon the acquiring of any such interest. Any member selected to said Commission shall take and file the official oath of office with the City Clerk. Residency in the City of Algoma is required to serve on the Commission.

d. Vacancy. In the event of a vacancy on said Utility Commission, the Mayor shall appoint on a nonpartisan basis one or more commissioners to fill the unexpired term(s) of any such member or members. Such appointment by the Mayor shall be subject to confirmation by the Common Council. The Utility Commission shall be continuous in existence and each member thereof shall continue thereon until his successor is appointed and approved.

#### INTERNAL ORGANIZATION.

a. Officers. The members of the Utility Commission shall, in the month of May of each year, select from among its members a President, Vice-President and Secretary-Treasurer. The President shall conduct the meetings of said Utility Commission and otherwise supervise such meetings. The Secretary-Treasurer or his/her designate shall

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keep a written record of the proceedings of the Commission, including Special Utility Commission meetings. Such written record shall be filed with the Administrator/Clerk-Treasurer. The Administrator/Clerk-Treasurer shall place them in the City's official City files and distribute the written record to the Mayor and City Council.

b. Meeting. The Utility Commission shall hold regular meetings and such special meetings as are called by the President or by a majority of the members of the Commission as may be deemed necessary. All meeting notices shall be posted in full compliance with the open meeting law requirements. Three (3) members of the Commission shall constitute a quorum for the transaction of business.

c. Compensation. All members of the Commission shall receive such compensation as may be fixed from time to time by the Common Council.

### (3) DUTIES, POWERS AND AUTHORITY.

a. Management of the Utility. The Utility Commission shall take entire charge and management of the water and electric utilities of the City of Algoma, subject to the general control and supervision of the Common Council. In addition to the power and authority prescribed by Section 66.068 Wisconsin Statutes, the Commission shall govern and administrate the department consistent with Chapter 13 of the Municipal Code.

b. Employment. The Utility Commission shall make rules for their own proceeding and for the government of their department. The Commission shall appoint a Superintendent who shall act on behalf of the Commission. The Commission shall employ necessary employees and fix their compensation. The Commission also may employ the services and fix the compensation of such other agents or consultants as the Commission deems necessary.

### (4) ACCOUNTS

a. Manner and Form. It shall be the duty of the Utility Commission to have books of accounts kept in the manner and form prescribed for utilities of its class by the Public Service Commission of the State of Wisconsin. Such books of account shall be open to the public.

b. Receipts. The receipts of the public utilities shall be deposited in any official depository approved by the Commission. The Superintendent of the Utility shall make and file a financial report of such utilities each month with the Commission. The Commission shall within one week of receipt of the financial report file it with the City Administrator/Clerk-Treasurer who shall forward copies to the Mayor and City Council.

c. Transfer of Funds. No funds of said municipally owned utility shall in any case be

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transferred to the City Treasury for use of the City, except in accordance with the provisions of Section 66.069(1)(c), Wis. Stats.

d. Excess Funds. Any excess funds accumulated by said Utility, unless deposited pursuant to law, and all funds in the depreciation or retirement reserve may be invested only according to the provisions of Section 66.069(1)(c) or 66.04(7), Wis. Stats.

### (5) ANNUAL BUDGET.

a. On or before November 1 of each year the Utility Commission shall prepare and file a complete fiscal budget with the City. The Utility Commission and the Finance Committee shall jointly develop a budget form that is acceptable. On or before November 20 the Finance Committee shall meet to review the proposed Utility Budget. Said budget shall then be implemented and followed by the Commission effective January 1. By April 1 of each year the Utility Commission shall file an annual written report identifying the activities and financial condition of the Utility for the preceding year.

### (6) PURCHASING POLICY.

a. The Utility Commission shall formally enact a written purchasing policy, which shall be used by the Commission to insure compliance with the annual fiscal budget.

(7) ANNUAL AUDIT. The Utility Commission shall cause an annual audit to be conducted of the Utility accounts and upon completion said audit shall be presented to the Utility Commission and the Finance Committee for review. Upon recommendation of the Finance Committee the Common Council shall officially accept the audit and direct the City Administrator/Clerk-Treasurer to place it on file. The Utility Commission shall pay for the cost of the audit.

(8) CONTRACTUAL COMMITMENT. The Utility Commission shall have full authority that funds have been included in the annual utility budget for the purchase of the item and/or service identified under the contract. In addition, all contracts, which require the use of funds not generated by the Utility or the borrowing of funds, shall be approved by the City Council.

(9) EXPENDITURES. Expenditures of the municipally owned utilities shall be audited by the Utility Commission and if approved be paid for by the Utility accounts upon warrants signed by the President and Secretary-Treasurer of the Commission.

### 13.010 WATER MAIN EXTENSION.

(1) When the cost of the extension is immediately assessed against the abutting property, the procedure set forth under 66.60, Wis. Stats., shall apply, except that 2 separate bids shall be required. One bid shall be to cover the costs necessary to excavate and install the water main pipe and refill the excavation. A second bid shall be to cover the cost of

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excavation and refill. This requirement is to allow the Utility Commission to submit a quote for installation of the water main pipe at the same time that bids are received from private contractors. If the Utility Commission quote is less than that of the private contractors, then they shall do the installation work. If the Utility Commission quote is higher than that of the private contractors, then they shall be awarded the contract.

- (2) When customers connect to a transmission main or connecting loops laid at utility expense, there shall be a contribution of an amount equivalent to the applicable assessment as determined in sub. (1).
- (3) WATER MAIN COSTS ASSESSMENT:
  - (a) All water main improvement costs including intersections shall be assessed in full on the first side served.
  - (b) On corner lots, subsequent or second side water main improvement costs shall be exempt up to 120'.
  - (c) On corner lots, if the owner shall at any time utilize water service from the exempt side, the full front foot cost of such service shall be chargeable to and paid by such owner and the cost thereof if not voluntarily paid, shall be chargeable as a special tax against the property.
- (4) Mandatory Hookup
  - (a) The owner of each parcel of land adjacent to a water main on which there exists a building usable for human habitation or in a block through which such a system is extended located within the corporate limits of the Algoma Utility shall connect to such system within 1 year of notice in writing from Algoma Utility Commission. Those parcels with wells where adjacent water main is installed after 1-1-03 shall have 3 years to connect from date of such notice. Those parcels with wells where adjacent water main has been installed before 1-1-03 shall connect immediately upon abandonment of the well. Upon failure to do so, the Utility may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats., provided, however, that the owner may, within thirty (30) days after the completion of the work, file a written request with the Utility stating that he cannot pay such amount in one (1) sum and ask that there be levied in not to exceed ten (10) equal annual installments and that the amount shall be so collected with interest at the rate of twelve percent (12%) per annum from the completion of the work, the unpaid balance being a

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special tax lien, all pursuant to Sec. 281.45, Wis. Stats.

- (b) In lieu of the above, the Utility, at its option, may impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the water system of an amount equal to one hundred fifty percent (150%) of the average residential charge for water service payable monthly for the period in which the failure to connect continues and, upon failure to make such payment, said charge shall be assessed as special tax lien against the property, all pursuant to Sec. 281.45, Wis. Stats.
- (c) This ordinance ordains that the failure to connect to the water system is contrary to the minimum health standards of the Utility and fails to assure preservation of public health, comfort and safety of said Utility.
- (d) It shall be unlawful for any person to willfully injure the water system, or any building, machinery or fixture pertaining hereto, or to willfully and without authority of the Utility bore or otherwise cause to leak, any tunnel, aqueduct, elevated storage tank, pipe or other thing used in the system for holding, conveying or distributing water.
- (e) Damage Recovery: The Algoma Utility Commission shall have the right to recover any expense incurred by the Utility for the repair or replacement of any property owned by the Utility damaged in any manner from the person responsible for such damage.
- (f) Penalties: Any person who shall violate any of the provisions of this chapter or rules or regulations of the Utility or who shall connect a water system without first having obtained a permit therefor, or who shall violate any provision of the Wisconsin Statutes, Wisconsin Administrative Code or any other materials which are incorporated by reference shall, upon conviction thereof, forfeit not less than Two Hundred Dollars (\$200.00) nor more than Two Thousand Five Hundred Dollars (\$2500.00) and the cost of prosecution. Each day in which any such violation continues shall be deemed a separate offense. This, however, shall not bar the Utility from enforcing the mandatory hookup set out or any other rights the Utility may have.

### 13.015 UTILITY RULES AND REGULATIONS.

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(1) TO BE APPROVED. The rates, rules and regulations of the utility shall be those approved by the City Council and on file and approved by the State Public Service Commission.

(2) OPERATING RULES.

(a) All persons now receiving a water supply from the utility or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

(b) Public Service Commission Rules Adopted. Chi. PSC 185, Wis. Adm. Code is adopted and made a part of these rules as if set forth in full. A violation of any of such rules shall constitute a violation of this section and shall be punishable as provided in Sec. 13.10.

**13.02 SANITARY SEWER DISTRICT.** All territory in the City shall constitute a single Sanitary Sewer District and the Streets and Bridges Committee shall be in charge of management thereof.

### **13.025. SANITARY SEWER COSTS ASSESSMENT:**

(1) All sanitary sewer improvement charges including intersections shall be assessed in full on the first side served, except that the cost shall not exceed the cost of sewer pipe of the diameter greater than 10".

(2) On corner lots, subsequent or second side sewer improvement charges shall be exempt up to 120'.

(3) On corner lots, if the owner shall at any time utilize sewer service shall be chargeable to and paid by such owner and the cost thereof if not voluntarily paid, shall be chargeable as a special tax against the property.

**13.026 SANITARY SEWER CONNECTION.** The City of Algoma may allow properties outside of the City limits to be served by sanitary sewer. If sewer service is provided the property owner requesting such service will be charged an initial assessment of \$3500.00 plus the cost of the main extension and lateral to the property line. In addition, a minimum monthly sewer service charge of \$50.00 will be charged to the property owner. This fee will be reviewed annually and can be increased to reflect operational costs. At no time should the monthly charge be less than average residential cost. The sewer main, lateral and hook-up must be based on a plan approved by the City Engineer and authorized by the Street Committee. The initial assessment will be returned to the property owner upon annexation to the City. A written request for annexation must be in the office of the City Administrator before any work on the sewer connection begins and the annexation process must be completed within one year. If the annexation request is withdrawn or not completed within one year, all work will be stopped. If the work has been completed the sewer hook-up will be disconnected. If this occurs the property owner will still be

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liable for his portion of any main extension and lateral work.

### 13.03 USE OF SANITARY AND STORM SEWERS.

#### (1) DEFINITIONS.

(a) Sewerage. The water carried waste created in and to be conducted away from residences, industrial and commercial premises, and public buildings, as defined in sec. 101.01, Wis. Stats., and other structures and premises, together with such surface or drain water as may be included.

(b) Industrial Wastes. Those particular liquids or other wastes products resulting from the process of industry, manufacturing, trade or business.

(c) Sewerage System. All street laterals, main and intercepting sewers, and structures of which sewage or industrial waste is collected, transported, treated or disposed of. This shall not include plumbing inside or in connection with building served, or service sewers from building to street lateral, which terminates at the curb line.

#### (2) RESTRICTIONS WITH RESPECT TO DOMESTIC AND COMMERCIAL WASTES TO BE DISCHARGED INTO SEWER.

(a) No person shall discharge or cause to be discharged into the sanitary sewers any storm water, surface water, ground water, roof run-off, cistern overflow water or sub-surface drainage.

(b) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into any sanitary sewer:

- (1) Any liquid or vapor having a temperature higher than 150 degrees F.
- (2) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids or gas.
- (4) Any garbage that has not been properly shredded.
- (5) Any ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewerage system or works.
- (6) Any water or wastes having a PH lower than 5.5 or higher than 9.0, or having any corrosive property capable of causing damage to structures, equipment and personnel of the sewerage works.
- (7) Any water or waste containing a toxic or poisonous substance in sufficient quantity

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to injure, damage, or interfere with any sewerage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewerage treatment plant.

- (8) Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewerage plant.
- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

### (3) REGULATIONS SUBJECT TO INSPECTION, CONTROL AND ENFORCEMENT BY THE SUPERINTENDENT OF THE CITY UTILITY COMMISSION.

(a) Said Superintendent shall give 60 days written notice to all offending parties to cease and desist from offensive practices and shall prosecute all offenders who fail to respond through the City Attorney.

(b) Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of the type and capacity approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers and shall be gas-tight and watertight. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuous and efficient operation at all times.

(c) Preliminary treatment facilities shall be provided when in the opinion of the Superintendent they are necessary for water or wastes control and they shall be maintained continuously by the owner, at his expense, in satisfactory and efficient operation at all time.

(d) When required by the Superintendent, the owner of any building serviced by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with the plans approved by the Superintendent and shall be accessible and safely located. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**13.04 SEWER PLANT AND SYSTEM, SUPERVISION OF.** The Board of Health Committee of the City of Algoma shall have charge, management and direction of the sewer plant and sewer system owned by the City, subject only to the applicable state statutes and to the general control

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and supervision of the City Council.

**13.05 COLLECTION PROCEDURE FOR DELINQUENT ELECTRIC SERVICE.** In accordance with Sec. 66.60 (16), Wis. Stats., the following collection procedure is adopted.

(1) Any delinquent account for electric service shall become a lien against the property served. Accounts whose electric bills are in arrears, on October 20 of any year shall receive notice to the customer and owner of property, as shown by the current year's tax roll, of such delinquency in accordance with the provisions of Sec. 66.60 (16), Wis. Stats., and delinquencies remaining on November 15 together with any penalty imposed shall be levied as a tax against the parcel served.

(2) The Algoma Utility Commission shall mail a copy of all past due notice of a delinquent account to the owner of such real estate, as shown by the current year's tax roll, as well as a copy of the final billing when made.

(3) All property owners shall notify the Algoma Utility Commission of the name and address of the owner where occupancy is other than the owner and the owner wishes copies and notice of any delinquent account of final billing.

### **13.06 CROSS CONNECTIONS.**

To provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into public water system.

Chapters NR 811 and COMM 82, Wisconsin Administrative Code require protection of the public water system from contaminants due to backflow of contaminants through the water service connection.

The Wisconsin Departments of Natural Resources and Industry, Labor and Human Relations require the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water systems; now, therefore,

Be it ordained by the Common Council of the City of Algoma, Kewaunee County, 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 potable water from the Algoma Utilities 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

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pressure 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 potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of the Algoma Utilities 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 Algoma Utility Commission and by the Wisconsin Department of Natural Resources in accordance with Section NR811.09, Wisconsin Administrative Code.
3. Residential properties serviced by the Algoma Utilities shall be inspected on a 10-year interval. All non-residential properties serviced by the Algoma Utilities shall be inspected on a 2-year interval. Commercial properties of similar or lesser risk to residential properties may also qualify for the 10-year interval, as determined by the Algoma Utilities. See NR 810.15. Algoma Utilities or a qualified agent of the Algoma Utilities may perform the cross-connection inspection of the owner's property. The agent must be a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or a State of Wisconsin licensed plumber experienced in cross connection control and Comm 82 and Comm 82-A.
4. That upon presentation of credentials, the representative of the Algoma Utility Commission 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 Algoma Utilities for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s.66.0119 (1) and (2), Wisconsin Statutes. 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 Algoma Utility Commission 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.

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6. That if it is determined by the Algoma Utilities that a cross connection or an emergency endangers public health, safety, or welfare, and requires immediate action, and a written finding to the affect is filed with the Algoma Utility Commission 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 Algoma Utility Commission adopts by reference the State Plumbing Code of Wisconsin being Chapter COMM 82, Wisconsin Administration Code.
8. That this ordinance does not supersede the State Plumbing Code and City of Algoma plumbing ordinance as applicable, but is supplementary to them.

**13.07 FIBER OPTICS** - Underground Facilities. The policy relating to fiber optics as specified by the Wisconsin Department of Transportation is hereby adopted as part of the Municipal Code of the City of Algoma. Any changes or modifications in the DOT policy will be automatically applied to this fiber optics section.

### DOT Policy Changes on Fiber Optics

#### PART 1

##### Internal Operations Policy

###### 1. OBTAIN UTILITY INFORMATION

In all cases except emergencies division employees, consultants, and contractors whose work requires digging or the preparation of plans which will require others to dig shall investigate what owners may have transmission lines in the area where the digging is required. (Records of these transmission lines should be available in District Office.)

In the case of contract work, this will require two contacts with the owners, one at the time plans are about to be prepared and one when this digging will actually occur.

###### 2. NOTIFY OWNERS BEFORE DIGGING

Before beginning to dig, the employee or his/her supervisor or the consultant or contractor shall contact the owners of these transmission lines to request a "locate", in accordance with SS. 66.047 and 182.0175, Stats. The law requires that the "locate" be provided within 3 working days.

The contact may be directly with the owner of the transmission line or with a One-Call service. It must be remembered, however, that even where a One-Call service exists, some owners may not belong to it.

**3. EMERGENCIES**

In emergencies, the owners (or One-Call) must still be called in accordance to SS. 66.047 and 182.0175, Stats., but it is not necessary to wait for utility representatives to arrive at the site.

Emergencies to which this applies include, among others, replacement of knocked down, missing, and severely damaged Stop signs, traffic control signals, Stop Ahead signs, Large Arrow signs, and Turn and Curve signs. The installation of new signs (including detour signs and signs for the control of traffic through construction and maintenance projects) and the routine maintenance of posts are generally not emergencies. In a few cases, however, such as the installation of High Water signs, an installation would be considered an emergency, which requires immediate action.

Employees and their supervisors must in all cases use their best judgement based on the effect of the work on public health and safety to determine whether or not the work required is an emergency.

**4. PREPARE MAPS**

Districts are encouraged to develop and maintain maps showing the owners of transmission lines along city streets and the general operating areas of the owners. The maps should show the owner's telephone number and whether or not the owner belongs to a One-Call service (and the One-Call service telephone number).

**PART 2**

**Amendments to Utility Accommodations Policy**

**1. PLACEMENT DEPTH FOR UNDERGROUND UTILITIES**

All underground facilities shall be placed at a depth of no less than that shown on the attached drawing, except any pipe to carry a freezable transmittance shall be placed beneath the elevation of anticipated frost penetration (six or more feet)

**2. LESSER DEPTH INSTALLATIONS**

Any utility line authorized by the Department for installation at a depth less than that shown on the attached drawing (as a special-case exception) shall be enclosed within a larger pipe, duct, conduit or casing sufficient to protect the carrier from external damage. The material for the enclosure shall be such as the owner regards as adequate for the stated purpose. Casing enclosures of water and sewer lines authorized for installation at less than 6 feet but not less than that shown on the attached drawing may be waived by the Department if such lines will be adequately insulated to provide protection from freezing.

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Any portion of any underground facility authorized for installation at less than that shown on the attached drawing may be guarded by an underground warning tape, provided by the owner and installed no less than one foot above the carrier. warning tapes shall provide warning, be durable, and shall identify the character of the carrier facility below.

### 3. NON-METALLIC LINES TO BE ACCOMPANIED BY TRACER WIRE OR TAPE

Any non-metallic pipe, cable or other kind of utility line which lacks a continuous and integral metallic component capable of detection by locating instruments, shall be accompanied in its location by a continuous detectable metallic tracer wire or a metallic tape desirably at the same depth as the carrier and on the same alignment. Optionally the tape may be not more than 1 foot above the carrier.

### 4. MEMBERSHIP IN A ONE-CALL ("HOTLINE") SERVICE

Each applicant for the City of Algoma, hereafter to be referred to as "City", permit shall proved a reliable line locate service by either or both of the following means:

(a) If the applicant has membership in a One-Call Line Locate Service, the applicant shall enter the complete and current telephone number(s) for the service on the face of each City permit application. The applicant shall also provide written notification to the City Inspector upon or in advance of any subsequent changes in the One-Call contact information, such as cessation of membership, changes in the contact telephone number(s), etc.; and/or

(b) If the applicant lacks membership in a One-Call Service at the time of the application for the City permit, or has membership but desires to provide a second resource for line located, the applicant shall:

(1) Provide operational-area maps, which accurately specify the area(s) the applicant, has lines or a franchise to install lines. shall be The maps furnished in the quantity requested by the Department, but in no case shall less maps be supplied than one to Transportation District Office having jurisdiction over area(s) into which lines of the applicant extend, plus one copy to the Permit Programs Manager of the City of Algoma Street Maintenance Section. The applicant shall advise all City offices to which maps have been thus provided of any future changes in the applicant's operational area(s), and supply updated maps to each office showing the current conditions, and

(2) Enter on the face of each permit application the complete telephone number(s) to be called to obtain specific line locates from the applicant. The applicant shall notify the City of Algoma Street Maintenance Section of any changes to these telephone numbers.

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### 5. SURFACE IDENTIFICATION

The Department plans to review Trans 200.05, Wis. Admin. Code, to determine if more effective surface markers are desirable and necessary to locate present and future utility installations.

### 6. INDEMNIFICATION (secure against hurt)

The Applicant shall save and hold the City, its officers, employees, agents, and all private and governmental contractors, and subcontractors with the City under Chi. 62, Stats., harmless from and against all liability, damage, loss, expense, claims, demands and actions of any nature whatsoever (including any by Applicant itself) which arise out of or are connected with, or are claimed to arise out of or be connected with any of the work done by the Applicant, or the construction or maintenance of facilities by the Applicant, pursuant to this permit or any other permit issued by the City for location of property, lines or facilities on highway right-of-way, (1) while the Applicant is performing its work, or (2) while any of the Applicant's property, equipment, or personnel, are in or about such place or the vicinity thereof, or (3) while any property constructed, placed or operated by or on behalf of Applicant remains on the City's property or right-of-way pursuant to this permit or any other permit issued by the City for location of property, lines or facilities on highway right-of-way; including without limiting the generality of the foregoing, all liability, damages, loss, expense, claims, demands and actions on account of personal injury, death or property loss to the City, its officers, employees, agents, contractors, subcontractors or frequenters; to the applicant, its employees, agents, contractors, subcontractors or frequenters; or to any other persons, whether based upon, or claimed to be based upon, statutory (including without limiting the generality of the foregoing worker's compensation) contractual, tort, or other liability of the City, the Applicant, or any other persons, and whether or not caused or claimed to have been caused by active or inactive negligence or other breach of duty by the City, its officers, employees, agents, contractors, subcontractors or frequenters; Applicant, its employees, agents, contractors, subcontractors or frequenters; or any other person. Without limiting the generality of the foregoing, the liability, damage, loss, expense, claims, demands and actions indemnified against shall include all liability, damage, loss, expense, claims, demands and actions for damage to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the City for location of property, lines or facilities on highway right-of-way with or without a permit issued by the City property or right-of-way with or without a permit issued by the City for any loss of data, information, or material; for trade-mark, copyright or patent infringement; for unfair competition or infringement of any other so-called "intangible" property right; for defamation, false arrest, malicious prosecution or any other infringement of personal or property rights of any kind whatever. The Applicant shall at its own expense investigate all such claims and demands, attend to their settlement or other disposition, defend all actions based thereon and pay all charges of attorneys and all other costs and expenses of any kind arising from any such liability, damage, loss, claims, demands and actions.

Any transfer, whether voluntary or involuntary, or ownership or control of any property

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constructed, placed or operated by or on behalf of the Applicant that remains on the City's property or right-of-way pursuant to this permit shall not release Applicant from any of the indemnification requirements of this permit, unless the City is notified of such transfer in writing. Any acceptance by any other person or entity, whether voluntary or involuntary, of ownership or control of any property constructed, placed or operated by or on behalf of the Applicant that remains on the City's property or right-of-way pursuant to this permit, shall include acceptance of all of the indemnification requirements of this permit by the other person or entity receiving ownership or control.

Notwithstanding the foregoing, a private contractor or subcontractor with the City under Chapter 62, Stats., that fails to comply with Section 66.047 and 182.0175, Stats. (1985-86), remains subject to the payment to the Applicant of the actual cost of repair of intentional or negligent damage by the contractor or subcontractor to any property, lines or facilities placed by or on behalf of the Applicant pursuant to this permit or any other permit issued by the City for location of property, lines or facilities on roadway right-of-way, and remains subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the contractor or subcontractor.

Notwithstanding the foregoing, if the City, or its officers, employees, and agents, fail to comply with Sections 66.047 and 182.0175, Stats. (1985-86), the City, or its officers, employees and agents, remains subject to the payment to the Applicant of the actual cost or repair of willful and intentional damage by the City, or its officers, employees and agents, to any property, lines or facilities placed by or on behalf of the applicant pursuant to this permit or any other permit issued by the City for location of property, lines or facilities on roadway right-of-way, and remain subject to payment to the Applicant for losses due to personal injury or death resulting from negligence by the City, its officers, employees and agents.

No indemnification of private contractors or subcontractors with the City under Chapter 62, Stats., shall apply to the event of willful and intentional damage by such private contractors or subcontractors to the property, lines and facilities of the Applicant located on the roadway right-of-way pursuant to this permit or any other permit issued by the City for the location of property, lines or facilities on roadway right-of-way.

### **13.08 SEWER USE AND SEWER SERVICE CHARGE.**

(1) Definitions.

- (a) APPROVING AUTHORITY shall mean the City Council or its duly-authorized agent or representative.
- (b) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius,

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expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

- (c) BUILDING DRAIN shall mean 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.
- (d) BUILDING SEWER shall mean a sanitary sewer which beings immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.
- (e) CATEGORY A shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 200 mg/l, phosphorus no greater than 10 mg/l, and TKN (total kjeldahl nitrogen) no greater than 27 mg/l.
- (f) CATEGORY B shall be those sanitary sewer users who discharge wastewater with concentrations in excess of 200 mg/l of BOD, 200 mg/l suspended solids, 10 mg/l phosphorus, and 27 mg/l TKN (total kjeldahl nitrogen). Users whose wastewater exceeds the concentration for any one of these parameters shall be in Category B.
- (g) CHLORINE REQUIREMENT shall mean the amount of chlorine, in mg/l, which must be added to sewage to produce a chlorine residual as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- (h) COMBINED SEWER shall mean a sewer intended to receive both wastewater and storm or surface water.
- (i) COMPATIBLE POLLUTANTS shall mean BOD, suspended solids, phosphorus, ammonia, nitrogen, TKN, pH, or fecal coliform bacteria, plus addition pollutants identified in the Municipality's WPDES permit for its wastewater treatment facility; provided that such facility is design to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.
- (j) EASEMENT shall mean an acquired legal right for the specified use of land owned by others.
- (k) FLOATABLE OIL is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- (l) GROUND GARBAGE shall mean the residue from the preparation, cooling, dispensing,

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handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

- (m) **INCOMPATIBLE POLLUTANTS** shall mean wastewater with pollutants that will adversely affect the wastewater treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facilities.
- (n) **INDUSTRIAL WASTE** shall mean any solid, liquid, or gaseous substance discharged or escaping from any industrial, manufacturing, or commercial establishment. Such term includes any wastewater, which is not sanitary sewage.
- (o) **MUNICIPALITY** shall mean the City of Algoma.
- (p) **NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a water course, pond, ditch, lake, or other body of surface water or groundwater.
- (q) **NITROGEN** shall mean total kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
- (r) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 200 mg/l, phosphorus no greater than 10 mg/l, and TKN (total kjeldahl nitrogen) no greater than 27 mg/l.
- (s) **OPERATION AND MAINTENANCE COSTS** shall include all costs associated with the operation and maintenance of the wastewater treatment facilities, including administration and re-placement costs, all as determined from time to time, by the Municipality.
- (t) **PERSON** shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- (u) **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  $10^{-7}$ .
- (v) **PHOSPHORUS** shall mean total phosphorus and is expressed in mg/l of P (phosphorus).
- (w) **PUBLICALLY OWNED TREATMENT WORKS (POTW)** A treatment works including any devices and systems used in the storage, treatment, recycling and reclamation of

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municipal sewage and industrial waste. The systems include sewers, pipes and equipment used to convey wastewater to the treatment facility. The term also includes the Municipality that owns and operates the facilities.

- (x) PUBLIC SEWER shall mean any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.
- (y) REPLACEMENT COSTS shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed.
- (z) SANITARY SEWAGE shall mean a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities.
- (aa) SANITARY SEWER shall mean a sewer that carries sewage or wastewater.
- (bb) SEWAGE is the spent water of a person or community. The preferred term is "wastewater".
- (cc) SEWER shall mean a pipe or conduit that carries wastewater or drainage water.
- (dd) SEWER SERVICE CHARGE is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of said facilities.
- (ee) SEWER SERVICE CHARGE SYSTEM shall have the same meaning as user charge system as referred to in NR.162 of the Wisconsin Administrative Code.
- (ff) "SHALL" is mandatory; "MAY" is permissible.
- (gg) SLUG shall mean 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 fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation, and/or adversely affects the collection system and/or performance of the wastewater treatment facility.
- (hh) STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (ii) STORM SEWER OR DRAIN shall mean a drain or sewer for conveying water,

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groundwater, subsurface water, or unpolluted water from any source.

- (jj) SUSPENDED SOLIDS shall mean total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," and referred to as non-filterable residue.
- (kk) TKN (Total Kjeldahl Nitrogen) shall mean the sum of organic nitrogen and ammonia nitrogen.
- (ll) UNPOLLUTED WATER is water quality equal to or better than the effluent of the wastewater treatment facilities 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 facilities.
- (mm) WASTEWATER shall mean the spent water of a community or person. From the stand point 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.
- (nn) WASTEWATER COLLECTION FACILITIES (or wastewater collection system) shall mean the structures and equipment required collecting and carrying wastewater.
- (oo) WASTEWATER TREATMENT FACILITY shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.
- (pp) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT, is a document issued by the State of Wisconsin which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

### (2) USE OF THE PUBLIC SEWERS.

- (a) SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted water such as storm water, groundwater, roof run off, subsurface drainage, or cooling water to any sanitary sewer.
- (b) STORM SEWERS. Storm water and all other unpolluted water 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 water may be discharged, on approval of the Approving Authority and other regulatory agencies, to a storm sewer, combined sewer, or natural outlet.

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(c) 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:

Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or sludge disposal process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

Any waters or wastes having a pH lower than 5.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel or the wastewater treatment facilities.

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

The following described substances, materials, water or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility, and other pertinent factors. Wastes or waste waters discharged to the sanitary sewers, which shall not exceed the following limitations:

Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

Wastewater containing more than 25 mg/l of petroleum oil, non-biodegradable Cutting oils, or products of mineral oil origin.

Wastewater from industrial plants containing floatable oils, fat, or grease.

Any unground garbage. 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.

Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and

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non-conventional pollutants to such degree that the concentration exceeds levels specified by federal, state, and local authorities. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule, or regulation.

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.

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

Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Materials which exert or cause:

Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as constitute load on the wastewater treatment facility.

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

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).

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

Incompatible pollutants in excess of the allowed limits as determined by local, state, and federal laws and regulations by the Environmental Protection Agency, 40 CFR 403, as amended from time to time.

(d) WPDES PERMIT. No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the Municipality's WPDES permit and any modifications thereof.

(e) SPECIAL ARRANGEMENTS. No statement contained in this ordinance shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Municipality without recompense by the person; and further provided that all rates and provisions set forth in

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this Ordinance are recognized and adhered to.

(f) **NEW CONNECTIONS.** New connections to the Municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater treatment facilities.

### (3) CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.

(a) **SUBMISSION TO BASIC DATA.** The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Approving Authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers.

(b) **INDUSTRIAL DISCHARGES.** If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Section 2, and which in the judgement of the Approving Authority have a deleterious effect upon the wastewater treatment facilities, 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 condition 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 this ordinance.

(c) **DILUTION PROHIBITION.** No industrial user shall increase the use of process water or dilute a discharge as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement.

### (d) SPILL PREVENTION AND SLUG CONTROL PLANS.

1. Industrial users shall provide protection from accidental discharge of materials, which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or industrial user's expense. Spill prevention plans, including the facilities and the operating procedures shall be approved by the POTW before construction of the facility.

2. Industrial users that store hazardous substances shall not contribute to the

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POTW after the effective date of this ordinance unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the industrial user from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

(e) The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under section 1.4, with procedures for follow-up written notification within five days;
3. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;

(f) NOTIFICATION.

1. (A) In the case of any discharge in violation of this ordinance or permit conditions, and in the case of any discharge that could cause problems to the POTW, including any slug loading, as defined by section 133 of this ordinance, the industrial user shall immediately notify the POTW of the discharge by telephone. The notification shall include:

- (i) the date, time, location and duration of the discharge
- (ii) the type of waste including concentration and volume; and
- (iii) any corrective actions taken by the user

(B) Within five days following such a discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges.

(C) Such notification shall not relieve the user of any expense, loss, damage, or other liability resulting from the discharge, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed under this ordinance or other applicable state or federal law.

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2. Notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).
- (g) EMPLOYEE TRAINING. The industrial user shall permanently post a notice in a prominent place advising all employees to call (487-3862) in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.
- (h) RECORDS.
1. Users shall retain and make available upon request of authorized representatives of the POTW, the State, or the EPA all records required to be collected by the user pursuant to this ordinance or any permit or order issued pursuant to this ordinance.
  2. These records shall remain available for a period of at least three (3) years after their collection.
  3. This period shall be extended during any litigation concerning compliance with these ordinance or permit conditions.
- (i) ANALYTICAL REQUIREMENTS. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto or, if 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by the EPA.
- (j) CONFIDENTIAL INFORMATION.
1. Information and data (other than effluent data) about a user obtained for reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

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2. When the person furnishing a report satisfies the POTW that such person has made the demonstration required by 1., the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by the State or EPA for uses related to this ordinance the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for use by the State or EPA in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data will not be recognized as confidential information.

(k) RIGHT OF ENTRY. Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of this ordinance. Industrial Users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representative of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW, State, and EPA to enter and inspect the premises as guaranteed by this paragraph.

(l) CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of wastes, including sanitary sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring and/or sampling devices are to be permanently installed, they shall meet the following minimum guidelines:

1. A minimum 6' diameter manhole with steps and a bench for setting of equipment shall be installed. These manholes shall have a minimum 24" diameter opening with cast iron manhole cover or lockable lid. These sampling manholes shall be located at least 15 feet downstream of any bends, junctions or manholes. Maximum slope of upstream pipe shall be 2%.

2. All manholes shall be installed with flow measuring devices such as a Parshall flume, Palmer Bowlus flume, subsonic flume, or other suitable device as approved by the Approving Authority. An integral staff gauge shall be provided with each unit with measurements in hundredths of a foot. Flume size and type depends on flow rates anticipated and accuracy desired.

3. A flow-metering device shall be provided. The metering device shall be a bubbler, ultrasonic or subsonic device. Flow shall be indicated, totaled, and recorded. A 4-20 ma

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signal or pulse proportional to flow shall be outputted to a sampler for flow proportional sampling.

4. A refrigerated flow proportional sampler shall be furnished, suitable for composite or hourly sampling (24 intervals).

5. A licensed professional engineer shall prepare plans for the aforementioned facilities.

6. Plans, specification and hydraulic calculations shall be submitted to the Approving Authority. Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times.

### (m) HAZARDOUS WASTE NOTIFICATION.

1. Any Industrial User, except as specified in subpart 5. below, which discharges to the POTW any substance, which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW in writing of such discharge.

2. All hazardous waste notifications shall include;

A. The name of the hazardous waste as set forth in 40 CFR part 261;

B. The EPA hazardous waste number;

C. The type of discharge (continuous, batch, or other); and

D. A certification that the user has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

3. In addition to the information submitted in Section 4.6(b), Industrial Users discharging more than 100 KG of hazardous waste per calendar month to the POTW shall contain to the extent such information is known and readily available to the Industrial User;

A. An identification of the hazardous constituents contained in the waste;

B. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and

C. An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

4. Hazardous waste notifications shall be submitted no later than February 19,

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1991, except that Industrial Users commencing the discharge of listed or characteristic hazardous wastes after August 23, 1990, shall provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under Section (e) 2. of this Ordinance.

5. Industrial Users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30 (D) and 261.33 (e) requires a one-time notification.

- (n) **MEASUREMENT OF FLOW.** The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department or Utility except as noted in Section 3 (o).
- (o) **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 person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- (p) **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.  
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 Approving Authority.  
Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person 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 representatives 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.
- (q) **PRETREATMENT.** Persons discharging industrial wastes into any public sewer may be required to pre-treat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater treatment facilities or prevent the discharge of incompatible pollutants. In the event such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes

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acceptable for admission to the sanitary sewers.

- (r) **GREASE, OIL, AND SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for proper handling of liquid waste containing floatable grease in amounts in excess of those specified in this ordinance, 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 of capacity approved by the Approving Authority, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner(s) 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. Disposal of the collected materials performed by owners (s') personnel or currently licensed waste disposal firms must be in accordance with currently acceptable Department of Natural Resources (DNR) rules and regulations.
- (s) **ANALYSES.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Method" and with the Federal Regulations of 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, duration, and frequencies are to be determined on an individual basis subject for approval by the Approving Authority. Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or the person's 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 sewer service charges.
- (t) **SUBMISSION OF INFORMATION.** Plans, specification, and any other pertinent information relating to proposed flow equalization, pretreatment, or grease and/or sand interceptor facilities shall be submitted for review and approval 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. No construction of such facilities shall commence until said approval has been granted.

### (4) BASIS FOR SEWER SERVICE 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 collection system and being served with water solely by the Water Utility, a sewer service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

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- (b) **SEWER USERS SERVED BY PRIVATE WELLS.** If any person discharging wastewater into the public sanitary sewers procures any part or all of this water from sources other than the water Utility, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the Water Utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, new water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision all costs being at the expense of the person requiring the meter. The Water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.
- (c) **DEDUCT METERS.** If a user feels that a significant amount of metered water does not reach the sanitary sewer, a customer may avail himself of one of the following options:
1. He may request the Approving Authority to have such additional meters or metered services installed as are necessary to calculate the volume of water not discharged to the sanitary sewer (i.e., a "deduct" meter); or he may request the Approving Authority to have a meter installed to measure the actual amount of sewage discharged to the sanitary sewer (i.e., a sewage meter). Requests for a second meter or metered services must be made in writing to the Approving Authority. In the event the Approving Authority agrees to such installations, the customer shall be charged, all costs attendant thereto including, but not limited to; a meter yoke for each meter (to be installed by a licensed plumber); meter rental (the meter will be owned by the City and subject to access and inspection by the City personnel at all reasonable items) in an amount set annually by the Approving Authority; remote reading device(s) if necessary; and labor and miscellaneous parts and supplies. No provision shall be made, nor shall any means be taken, to route water from any "deduct" meter to the customer's general distribution system. In addition to the general penalties set forth in Section 4 any violation of this section will result in nullification of the deduct readings and removal of the deduct meter.
  2. In the event if is physically impractical or impossible to install metering equipment, he may request the Approving Authority to take such means as it deems necessary to formulate an estimate of the amount of water not being discharged into the sanitary sewerage system, or conversely, the amount of actual sewage discharged hereto.
  3. Neither of the options set forth in this subsection shall be applicable or available to customers for "reasons" which are attendant to use of water for the filling of pools or watering of lawns and outdoor greenery. Such seasonal use of water (that does not reach the sewer system) has been figured into the rates for

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the second and third quarter.

**(5) AMOUNT OF SEWER SERVICE CHARGES.**

(a) SEWER SERVICE CHARGE COSTS. The costs for sewer service for Category A and Category B sewer service are the rates set per the Municipal Fee Schedule.

BOD	\$0.57/lb
Suspended Solids	\$0.50/lb
Phosphorus	\$5.53/lb
TKN	\$0.86/lb

The volume component of the sewer service charge includes debt service charges.

(b) CATEGORY "A" SEWER SERVICE CHARGE. The sewer service charge for Category "A" sewer users is as follows:

See Municipal Fee Schedule

(c) CATEGORY "B" SEWER SERVICE CHARGE. The sewer service charge for Category "B" sewer users is as follows:

See Municipal Fee Schedule  
 Surcharge:  
 BOD greater than 200 mg/l = \$0.57/lb  
 Suspended Solids greater than 200 mg/l = \$0.50/lb  
 Phosphorus greater than 10 mg/l = \$5.53/lb  
 TKN greater than 27 mg/l = \$0.86/lb.

The Category "B" sewer service charge shall be computed in accordance with the formula presented below:

$$T = FQ + (V \times Cv) + .00834 V (B \times Cb + S \times Cs + P \times Cp + N \times Cn)$$

Where:

T Total Sewer Service Charge

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FQ	Fixed Quarterly Charge
B	Concentration of BOD in mg/l in the wastewater above 200 mg/l
S	Concentration of suspended solids in mg/l in the wastewater above 200 mg/l
P	Concentration of phosphorus in mg/l in the wastewater above 10 mg/l
N	Concentration of TKN in mg/l in the wastewater above 27 mg/l
V	Wastewater volume in 1,000 gallons
Cv	Cost per 1,000 gallons
Cb	Cost per pound of BOD
Cs	Cost per pound of Suspended Solids
Cp	Cost per pound of Phosphorus
Cn	Cost per pound of TKN
.00834	Conversion factor

(The above formula shall not be construed to give credits for a waste strength less than domestic concentrations for BOD, SS, P or TKN.)

(d) REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs or other related information indicate a change of categories is necessary.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Section. (1). All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

All revenues for the replacement fund and for operation and maintenance of the wastewater treatment facilities shall be used solely for the replacement fund and operation and maintenance of the wastewater treatment facilities.

(f) DISPOSAL OF SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Approving Authority. Written application for this permit shall be made to the Approving Authority 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 non-transferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$50.00 per calendar year. The Approving Authority will designate the time and place of disposal. The Approving Authority may impose such conditions as it deems necessary or, any permit granted.

Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than one Hundred Thousand Dollars

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(\$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 the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the Municipality and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand or other solid material to pass into any part of the wastewater treatment facilities.

Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged a handling charge of \$5.00 per discharge and a volume charge as follows:

Septic Tank Sludge - \$125.63/1,000 gallons

Holding Tank Sewage -\$11.46/1,000 gallons

The person(s) disposing wastes agrees to indemnify and hold harmless the Municipality from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(g) CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Municipality's wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.

(h) FEES FOR INDUSTRIAL MONITORING. The POTW may adopt charges and fees, which may include:

1. Fees for reimbursement of costs of setting up and operating the POTW Pretreatment Program.
2. Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by the Industrial User;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for permit applications including the cost of processing such applications;
5. Fees for filing appeals;
6. Other fees as the POTW may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the POTW.

(6) BILLING PRACTICE.

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(a) CALCULATION OF SEWER SERVICE CHARGES. Sewer service charges shall be computed according to the rates and formula presented in this ordinance.

(b) SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the City to the sewer users on a monthly basis.

(c) PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the City for the sewer service charges shall pay such charges within thirty (30) days after the billing date at the City Hall.

(d) PENALTIES. Such sewer service charges levied by the City against the sewer users in accordance with this ordinance shall be in debt due to the City and shall be a lien upon the property. If this debt is not paid within thirty (30) days after it shall be due, it may be deemed delinquent and may be placed, together with such penalties as provided by statute, on the next year's tax roll and be collected as other taxes are collected.

(e) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

### (7) RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION.

(a) RIGHT OF ENTRY. The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this ordinance.

(b) SAFETY. While performing the necessary work on private premises referred to in Section (7) (a), the duly authorized Municipal employees shall observe all safety rules applicable to the premises established by the owner or the occupant.

(c) IDENTIFICATION - RIGHT TO ENTER EASEMENTS. The Approving Authority or duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Municipality holds an 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 such easement.

### (8) SEWER CONSTRUCTION AND CONNECTIONS.

(a) WORK AUTHORIZED. No unauthorized person shall uncover, make any connections

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with or opening into, use, alter, or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(b) **COST OF SEWER CONNECTION.** All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person making the connection.

(c) **USE OF OLD BUILDING SEWERS.** Old building sewers may be used in connection with new buildings only when they are found, an examination and test by the Approving Authority, to meet all requirements for this ordinance.

(d) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slop, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Municipality's building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(e) **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.

(f) **STORM AND GROUNDWATER DRAINS.** No person shall make connection 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 sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within 60 days of the date of an official written notice from the Approving Authority.

(g) **CONFORMANCE TO PLUMBING CODES.** The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Municipality or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

(h) **CONNECTION INSPECTION.** The person making a connection to a public sewer shall notify the Approving Authority when the building sewer is ready for inspection and connection the public sewer. The connection shall be inspected and approved by the

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Approving Authority.

(i) **BARRICADES; RESTORATION.** All excavations for the building sewer installations 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 Approving Authority.

### (9) VIOLATIONS AND PENALTIES.

(a) **PUBLIC NUISANCE.** The violation of any provision of Sections 1-4, inclusive, or Section (5) (g), or Section (7), thereof, shall constitute a public nuisance as that term is defined in the Municipal Code.

(b) **ABATEMENT OF NUISANCE--NO IMMEDIATE DANGER.** If it is determined that a public nuisance has been created, or is being maintained, by violation of this ordinance (as set forth hereinabove), but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, written notice shall be served on the person causing or maintaining the nuisance to remove or correct the same identifying the nature of the violation) within a specified reasonable time. The offender shall within the period of time stated in said notice, abate the nuisance and permanently cease all violations.

(c) **ABATEMENT OF NUISANCE--IMMEDIATE DANGER.** If it is determined that a public nuisance caused by the violation of this ordinance exists, and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the City Council, City Engineer, and/or the Chief of Police may cause the same to immediately be abated, and change the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

(d) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater treatment facility and/or receiving body of water shall in addition to a fine, pay an amount to cover any damages, both values to be established by the Approving Authority.

(e) **PENALTY FOR VIOLATION.** Any person who violates any provision of this ordinance shall be subject to a penalty as provided in Municipal Code which chapter is, by this reference, made a part hereof as if fully set forth herein.

(f) **LIABILITY TO MUNICIPALITY FOR LOSSES.** Any person violating any provisions of this ordinance shall, in addition to any penalty or fine which may be assessed against him,

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become liable to the Municipality for any expense, loss, or damage occasioned by reason of such violation which the Municipality may suffer as a result thereof.

### (g) ENFORCEMENT OF INDUSTRIAL PROVISIONS.

1. Notification of Violation. Whenever the POTW finds that any industrial user has violated or is violating this ordinance or a wastewater permit or order issued hereunder, the Approving Authority or his agent may serve upon said user written notice of the violation. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Approving Authority. Submission to this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation.

### 2. Civil Penalties.

A. Any industrial user who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the POTW for a civil penalty of not more than (maximum allowable under State law, e.g., \$10,000 but at least \$1,000), plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the POTW may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.

B. The Approving Authority shall petition the Court to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factor as justice requires.

### (10) APPEALS.

(a) PROCEDURES. Any user, permit application or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting and implements the provisions of this ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration with ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user,

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permit applicant, or permit holder in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the City Council of the City of Algoma. The written appeal shall be heard by the City Council within thirty (30) days from the date of filing. make a final ruling The City Council shall on the appeal within ten (10) days from the date of hearing.

### (11) VALIDITY.

(a) SUPERSEDING PREVIOUS ORDINANCES. This ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances of the Municipality.

(b) INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the ordinance shall not affect the validity of any other section, clause, sentence, or provision of this ordinance which can be given effect without such invalid part or parts.

(c) AMENDMENT. The Municipality, through its duly authorized officers, reserves the right to amend this ordinance in part or in whole whenever it may deem necessary.

### (12) AUDIT, NOTIFICATION, AND RECORDS.

(a) BIENNIAL AUDIT. The Municipality shall review, at least every two years the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater treatment facilities, and the sewer service charge system. Based on this review, the Municipality shall revise the sewer service charge system, if necessary, to accomplish the following:

1. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loading discharged by the users;
2. Generate sufficient revenues to pay the debt service costs and the total operation and maintenance costs necessary to provide for the proper operation and maintenance (including replacement for the treatment works).
3. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to the class of users for the next year and adjust the sewer service charge rates accordingly.

(b) ANNUAL NOTIFICATION. The Municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portions of the

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rates are attributable to the operation and maintenance expenses, and debt service costs of the wastewater treatment facilities. The notification shall occur in conjunction with a regular bill.

(c) RECORDS. The Municipality shall maintain records regarding wastewater flows and loading, costs of the wastewater treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

### 13.09 WELL ABANDONMENT

Well Abandonment and Well Operation Permit Ordinance.

Whereas Ch. NR 811.10, Wisconsin Administrative Code, directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-complying wells located on the premises served by their system, and to provide a permit system to allow retention of safe and code complying wells, by local ordinance or water utility rule, to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross-connections and prevent all future cross-connections.

Now, Therefore, the Common Council of the City of Algoma, Kewaunee County, State of Wisconsin do ordain as follows:

**PURPOSE:** To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or non-complying wells or wells which serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

**APPLICABILITY:** This ordinance applies to all wells located on premises served by the City of Algoma municipal water system.

**DEFINITIONS:** Municipal water system” means a system for the provision to the public of piped water for human consumption, if a system has at least 15 service connections or regularly serves at least 25 year-round residents owned or operated by a city, village, town, county, sanitary district, utility district or public institution, as defined in NR811,02, or a privately owned water utility serving any of the above.

“Non-complying” means a well or pump installation which does not comply with the provisions of 812.42, Wisconsin Administrative Code, Standards for Existing Installation, and which has not been granted a variance pursuant to S. NR812.43,

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### Wisconsin Administrative Code.

- (a) "Pump installation" means 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.
- (b) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Ch. NR140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
- (c) "Unused" means a well or pump installation which is not in use or does not have a functional pumping system.
- (d) "Well" means an excavation or opening into the ground made by digging, boring drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.
- (e) "Well Abandonment" means the filling and sealing of a well according to the provisions of NR 812.26, Wisconsin Administrative Code.

**ABANDONMENT REQUIRED:** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and NR812.26 Wisconsin Administrative Code no later than one (1) year from the date of connection to the municipal water system unless a well operation permit has been obtained by the well owner from the Algoma Utility.

**WELL OPERATION PERMIT:** Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make applications for a well operation permit for each well no later than 180 days after connection to the municipal water system. Algoma Utilities shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. Algoma Utilities, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of permit application or renewal. Permit applications and renewals shall be made on forms provided by the Utility. All initial and renewal applications must be accompanied by a fee of \$50. The following conditions must be met for issuance or renewal of a well operation permit:

The well and pump installation shall meet the Standards for existing Installations described in s. NR 812.42, Wisconsin Administrative Code. (Complete WDNR well inspection form, currently #3300-233.)

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The well and pump shall have a history of producing safe water evidenced by at least 2 coliform bacteria samples taken a minimum of 2 weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.

There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.

The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.

The private well shall have a functional pumping system.

The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

**ABANDONMENT PROCEDURES:** All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of NR812.26 (complete WDNR form for well abandonment, currently #3300-5b). All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

The owner of the well or the owner's agent shall notify the Algoma Utility at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Algoma Utility.

An abandonment report from supplies by the DNR shall be submitted by the well owner to the Algoma Utility and the DNR within 20 days of the completion of the well abandonment.

**13.10 PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 20.04 of this Municipal Code.

### **13.11 CREATION OF MUNICIPAL BROADBAND UTILITY**

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 within the City of Algoma.

A. The broadband utility shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a broadband system to provide, among other things, broadband, telecommunications, data, fiber optic,

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Internet, cable television, video, information, and IP enabled services in and around the Algoma area.

- B. The broadband utility shall be a part of the Algoma municipal utilities and shall be under the charge and management of the Algoma Utility Commission, which may exercise all powers necessary or desirable to effect its purposes.

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.

CONFLICTING PROVISION REPEALED: All ordinances in conflict with any provision of this ordinance are hereby repealed.

### 13.12 FRAUDULENT TAPPING OF ELECTRIC METERS, WIRES, WATER METERS OR PIPES

- (1) No person may, without permission and for the purpose of obtaining electrical current or water with intent to defraud any vendor of electricity or water, do any of the following:
  - a. Connect or cause to be connected by wire or any other device with the wire, cable or conductors of any such vendor
  - b. Connect or disconnect the meter, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, or connect with the meters, pipes or conduits by pipes, conduits or other instruments
  - c. Knowingly take, receive, use or convert to such person's own use, or the use of another, any electricity or water which has not been measured or authorized
  - d. Cut, remove or in any manner make ineffective any seal, locking band or lock, or bypass controls on an electric or water meter
- (2) The existence of any of the conditions with reference to meters, pipes, conduits or attachments, described in this section, is presumptive evidence that the person to whom electricity or water is at the time being finished by or through the meters, pipes, conduits or attachments has, with intent to defraud, created or caused to be created the conditions.
- (3) Any person violating this section may be subject to a forfeiture of not less than \$200.00 not more than \$500.00. Each day that a violation continues is a separate violation.
- (4) Any person violating this section will be required to make full restitution to the utility company for the cost of service obtained in violation of the ordinance,

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and the cost of any damage to the equipment of a utility company as a result of the violation and utility labor and equipment costs as a result of the violation.