

TITLE 8

Public Utilities

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CHAPTER 1

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SEC. 8-1-1 PURPOSE.

This ordinance establishes rules and regulations for the use of the publicly owned sewerage facilities located within the area served by the City of Thorp, Clark County, Wisconsin, without damage to the physical facilities, without impairment of their normal function of collecting, transporting, treating and disposing of wastewater from the area served by the City, and without the discharge by the publicly owned treatment works of pollutants which would be in violation of its permitted discharge under the applicable rules and regulations of state and federal regulatory agencies. This ordinance also includes provisions for sampling wastewater, pretreatment requirements, procedures for obtaining discharge permits and provides for the proper development and use of the User Charge System for the City of Thorp.

SEC. 8-1-2 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (1) **Approving Authority** shall mean the City Council or their authorized deputy, agent, representative or consulting engineer. Approving authority and City are used interchangeably.
- (2) **BOD (Biochemical Oxygen Demand)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at 20 degrees centigrade and expressed in milligrams per liter.
- (3) **Combined Sewer** means a sewer intended to receive both wastewater and storm water or surface water.
- (4) **Commercial and Institutional User** means those users of the publicly owned treatment works which are not residential and are not classified as an industrial user.
- (5) **Compatible Pollutants** means those pollutants generally characterized as BOD, suspended solids, pH and fecal coliform, together with any additional pollutants defined in the City's WPDES permit, unless the concentrations of any of these pollutants are such that they interfere with the operation of the treatment works or exceed the limits established in this ordinance.
- (6) **Debt Service Charge** means that charge to the users which shall, in whole or in part, defray the costs of retiring the debts incurred in the construction of any wastewater facilities by the City.
- (7) **Domestic Wastewater** means water borne wastes normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, factories and institutions, free of industrial wastes and in which the average concentration of suspended solids is established at or below 210 mg/l and the BOD is established at or below 210 mg/l.
- (8) **Flat Charge** means the charge made to unmetered users for use of the treatment works.
- (9) **Incompatible Pollutants** are all pollutants which are not compatible.
- (10) **Industrial User** shall mean
 - (a) Any nongovernmental user of publicly owned treatment works which discharges more than 25,000 gallon per day of domestic wastewater, or a volume of process waste, or combined process waste and domestic wastewater, equivalent to 25,000 gallons per day of domestic wastewater. Domestic wastewater is the wastes

discharged from the average residential user in the City's service area. The strength of the average residential waste discharge in the City's service area shall be defined in terms of a concentration of 210 mg/1 biological oxygen demand (BOD) and 210 mg/1 suspended solids (SS). These concentrations will be applied in determining equivalent volumes of process waste or combined discharges of domestic and process wastes.

- (b) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving the discharge from the treatment works.
 - (c) Any user of the publicly owned treatment works that engages in the processing, blending, assembling or in some way transforming of materials or substances into new products, and discharges a wastewater having BOD and/or suspended solids concentrations in excess of 210 mg/1.
- (11) **Industrial Waste** means the wastewater from an industrial user as distinct from domestic wastewater.
 - (12) **Minimum Charge** means the amount charged to each user regardless of use. This charge does not provide the user a minimum amount of use.
 - (13) **Operation & Maintenance Costs** shall mean all costs incurred in the operation and maintenance of the City's wastewater treatment works. These costs shall include labor, energy, chemicals and replacement costs but do not include debt retirement costs.
 - (14) **Person** means any individual, firm, company, association, society, corporation or group.
 - (15) **pH** means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration in gram moles per liter of solution as determined by acceptable laboratory procedures.
 - (16) **Pretreatment** means the treatment of wastewater by the user before introduction into the City sewerage system.
 - (17) **Properly Shredded Garbage** shall mean the waste, from the preparation, cooking and dispensing of food, that has been shredded to such a degree that all particles will be

carried freely under the flow conditions normally prevailing in sanitary sewers. No particle shall be greater than one-half (1/2) inch in any dimension.

- (18) **Replacement Cost** means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement. The yearly replacement cost is calculated as follows:

$$a = \frac{\text{Present Installed Cost}}{\text{Projected Service Life}}$$

- (19) **Residential User** means a user of the publicly owned treatment works that would occupy an establishment considered a house or apartment and other facilities in which people live.
- (20) **Sanitary Sewer** means a sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastewater are not intentionally passed.
- (21) **Sewer Service Charge** is the sum of the minimum charge, user charge, debt service charge and any applicable surcharge. It is the total sewer bill.
- (22) **Slug** means any discharge of water or wastewater which, in concentrations of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen minutes, more than five times the average twenty-four-hour concentration of flows during normal operation, and which adversely affects the collection system and/or performance of the wastewater treatment plant.
- (23) **Standard Methods** means the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Waterworks Association and the Federation of Sewage and Industrial Wastes Association.
- (24) **Storm Sewer** means a sewer which carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (25) **Surcharge** means an additional charge related to industrial wastes being discharged by any user having unusual

- characteristics such as excessive BOD, excessive suspended solids or other pollutants.
- (26) **Suspended Solids (SS)** means total suspended matter that either floats on the surface of or are in suspension in water, sewage, or other liquids and which are removable by a laboratory filtration device. Quantitative determination of SS shall be made in accordance with procedures set forth in "Standard Methods."
 - (27) **Unpolluted Water** is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving-water quality standards.
 - (28) **User** means any person discharging domestic wastewater or industrial wastes into the collection system.
 - (29) **User Charge** means that charge to users of the treatment works which adequately provides for proportionate recovery of the operation and maintenance costs.
 - (30) **User Class** means a group of users having similar wastewater flows and characteristics, levels of BOD, suspended solids, etc.
 - (31) **City Sewerage System** shall mean the wastewater collection system of the City of Thorp, including lift stations and force mains. City sewerage system and publicly owned treatment works are used interchangeably.
 - (32) **Wastewater** means a combination of the water-carried waste discharged into the collection system from residences, commercial buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.
 - (33) **Wastewater Treatment Works** means all facilities for collection, pumping, treating and disposing of domestic wastewater and industrial waste.
 - (34) **WPDES Permit** means the Wisconsin Pollutant Discharge Elimination System Permit, issued to the City for the wastewater treatment facilities.

SEC. 8-1-3 GENERAL REQUIREMENTS.

- (1) **Discharge to Natural Outlet Prohibited.** It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

- (2) **Privies, Septic Tanks and Cesspools.** Except as provided in this section, it shall be unlawful to construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
- (3) **Connection With Public Sewer Required.** The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, within ninety days after date of official notice to do so; provided that said public sewer is within one hundred feet of the property line. Where a public sanitary sewer is not available under the provisions of this section, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this ordinance.
- (4) **Compliance With County Regulations Required.** Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the Clark County zoning administrator and comply with the then-applicable Clark County sanitary laws. The City expressly consents to the enforcement of such laws by the Clark County zoning administrator, and other Clark County officials within the City. Violations of this section may also be prosecuted by the City.
- (5) **Inspection of Installation.** A private wastewater disposal system shall not be placed in operation until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the City.
- (6) **Private Wastewater Disposal Systems.** The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the Department of Industry, Labor and Human Relations. No private system shall be permitted to discharge to any natural outlet.
- (7) **Connection Notice.** When a sanitary sewer is installed within 100 feet of a property served by a private

wastewater disposal system, the City shall issue a notice to the property owner. The notice shall stipulate when the property shall be connected to the sanitary sewer. Within 30 days of connection to the sanitary sewer, the private wastewater disposal system shall be cleaned of sludge and completely abandoned. All abandoned tanks, pits, etc. shall be completely filled with sand.

- (8) **Sanitary Operation Required.** The owner shall operate and maintain the private wastewater disposal system in a sanitary manner at all times, at no expense to the City.
- (9) **Health Requirements.** No statement contained in this section shall be constructed to interfere with any additional requirements that may be imposed by the health officer.
- (10) **A Wastewater Discharge Permit** shall be required of any person desiring to discharge wastewater to the City sewerage system and shall be one of two classes.
 - (a) A domestic wastewater discharge permit shall be required of any person desiring to discharge domestic waste and shall be considered as part of the building permit required and issued by the City.
 - (b) An industrial wastewater discharge permit shall be required of any person desiring to discharge any industrial waste and shall be completely separate from any other permits issued by the City. Further requirements for this class of permit can be found in Section 9 of this ordinance.
- (11) **Connection To Sanitary Sewer.** All costs and expenses incidental to the installation and connection of the building sewer to the City sanitary sewer shall be borne by the owner. The size, slope, alignment and 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 all conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the City.
- (12) **Inspection.** The City shall be permitted to have an authorized representative inspect any new or old installations for compliance with the regulations of this ordinance.
- (13) **New Connections.** New connections to the system shall not be allowed unless all downstream components have a reserve capacity capable of accepting them.
- (14) **Manhole.** The City reserves the right to require any user of the system to install and maintain at the user's

- expense, a control or monitoring manhole on the user's discharge pipeline. The user shall provide the City free and unobstructed access to the installed manhole.
- (15) **New Sewers.** All new sewers shall be designed by a professional engineer. Sanitary sewer designs shall be approved by the Wisconsin DNR. All sewers shall be constructed in accordance with the approved plans and specifications.
- (16) **Monitoring Station.** All industrial users, directed to do so by the City, shall install and maintain at the user's expense a monitoring station. The station shall include 24-hour composite samplers, continuous flowmeters, flow recorders and other necessary equipment to accurately measure and sample the wastewater being discharged. Where conditions do not permit monitoring of all discharges from a user at a single station, multiple monitoring stations shall be installed. The station shall be situated on the user's premises. The user shall allow the City access to the station at all reasonable hours.
- (17) **Inspection and Sampling.** The City may inspect the control manhole or monitoring station of any user to determine compliance with the requirements of this ordinance. The user shall allow the City or its representatives to enter upon the premises of the user at all reasonable hours, for the purposes of inspection, sampling, or records examination. The City shall have the right to set up on the property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
- (18) **Application for Septage Disposal.** Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the Thorp wastewater treatment works shall file a non-refundable filing fee and an application in writing to the City of Thorp in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the City Clerk. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the wastewater treatment works. During the month of September, the City of Thorp will evaluate the applications and make a determination as to the amount and conditions of septage disposal at the wastewater treatment facility. The City shall approve or reject all applications by October of each year. If the treatment facility cannot accept all the

proposed septage disposal, then consideration shall be given first to those generators of septage that are within the service area. All approvals for septage disposal shall have the conditions that at any time the wastewater treatment works has operational problems, maintenance problems, or threat of WPDES permit violation that are indirectly or directly related to septage disposal, the City of Thorp may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

SEC. 8-1-4 PROHIBITED DISCHARGE.

Except as provided in this ordinance, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer.

- (1) **Unpolluted Waters.**
 - (a) No person shall discharge or cause to be discharged, any unpolluted waters, such as storm water, groundwater, sanitary roof runoff, subsurface drainage or cooling water to any sanitary sewer; except that storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewer by permission of the City.
 - (b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Unpolluted industrial cooling water or process waters may be discharged to a storm sewer or natural outlet with the approval of the City and the Wisconsin DNR.
- (2) **Explosive Mixtures.** Liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient to cause fire or explosion or be injurious in any other way to the sewerage system or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent (5%) nor any single reading over 10 percent (10%) of the Lower Explosive Limit (L.E.I.) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha and benzene.
- (3) **Radioactive Wastes.** Radioactive waste or isotopes of such half-life or concentration that they are in noncompliance with regulations issued by the appropriate authority having

control over their use and which will or may cause damage or hazards to the sewerage facilities or personnel operating the system.

SEC. 8-1-5 LIMITED AND RESTRICTED DISCHARGES.

The following described substances, materials, waters or wastes shall be limited, in discharges to the City sewer system, to concentrations or quantities which will not harm the sewers, lift stations or the wastewater treatment facility; will not have an adverse affect on the receiving stream; will not otherwise endanger life, limb or public property; and will not constitute a nuisance. The City may set limitations lower than the limitations established herein, if such limitations are necessary to meet the above objections. In forming an opinion as to acceptability, the City will give consideration to such factors as the quantity of the subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste and other pertinent factors. The limitations and restrictions on materials and characteristics of waste or wastewater discharged to the sanitary sewer, which shall not be violated without approval of the City, are as follows:

- (1) **Temperature Limit.** Wastewater shall not have a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius).
- (2) **Oil Content.** Wastewater shall not contain more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (3) **Grease Limit.** Fats, wax, oils and grease, whether emulsified or not, shall not exceed a concentration of one hundred milligrams per liter. This concentration limit shall be lowered if it is found that the substances are solidifying or becoming viscous and creating obstructions in the sewerage system.
- (4) **Garbage Restriction.** 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. Discharges shall be limited to properly shredded garbage only.
- (5) **Metals Restriction.** Water or wastes containing iron, chromium, copper, zinc and similar objectionable substances can be discharged, in limited concentrations, provided such materials received in the composite wastewater at the wastewater treatment plant do not exceed the limits established by the approving authority in compliance with the WPDES Permit and the applicable state regulations.
 - (6) **Odor Limit.** Water or wastes containing odor-producing substances are limited to concentrations established by the City in compliance with State regulations, and to those levels which do not create a nuisance.
 - (7) **Slugs.** Quantities of flow, concentrations, or both, which constitute a "slug," shall not be discharged.
 - (8) **Incompatible Wastes.** Water 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 plant effluent cannot meet the requirements of the WPDES Permit shall not be discharged.
 - (9) **Interactive Wastes.** Water or wastes which, by interaction with other water or wastes in the Village sewerage system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes shall not be discharged.
 - (10) **Organic Limits.** Wastewater containing unusual quantities of BOD, chemical oxygen demand or chlorine demand shall be limited to levels not to exceed one percent of the City's design capacity of the treatment plant, unless otherwise specifically provided by permit.
 - (11) **Inert Solids.** Inert suspended solids such as fuller's earth, lime slurries and lime residues and dissolved solids such as sodium sulfate, shall be limited to levels which do not interfere with the normal operation of the City collection, pumping and treatment systems.
 - (12) **Color Restriction.** Wastewater containing dye wastes, vegetable tanning solutions and similar type wastes shall be limited to quantities which do not interfere with the normal operation of the sewerage system and which do not cause excessive discoloration of the wastewater or treatment plant effluent.

SEC. 8-1-6 PRETREATMENT REQUIREMENTS.

- (1) **Interceptors.** Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of such wastes. However, interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by state plumbing code and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal of the captured material and shall maintain records of the dates and means of disposal. The records are subject to review by the City. Any removal and handling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste-disposal firms.
- (2) **Regulatory Action.** If the wastewater to be discharged by a user may be harmful to the City sewerage system or to the operation of the treatment system, or if the proposed wastewater discharge is prohibited, limited or restricted by this ordinance the City may take the following actions:
 - (a) Prohibit the discharge of such wastewaters.
 - (b) Require a discharger to demonstrate that in-plant modifications will eliminate the discharge of such substances to a degree as to be acceptable to the City.
 - (c) Require pretreatment including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 - (d) Require the person making, causing or allowing the discharge to pay all additional costs of collecting, handling and treating the wastewater.
 - (e) Take such other remedial action as may be deemed desirable or necessary to achieve the purpose of this ordinance.
- (3) **Submission of Plans.** Where pretreatment or equalization of wastewater flows prior to discharge into any part of its sewerage facilities is required by the City plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be submitted to the City for review and approval. Approval shall in no way exempt the discharge or such

facilities from compliance with any applicable code, ordinance, rule or regulation of any governmental unit or the City. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to, and approval of the City.

- (4) **Costs.** The cost of constructing grease oil and sand interceptors; pretreatment facilities and flow equalization facilities shall be the responsibility of the person needing these facilities so as to allow their wastewater to be discharged to the City sewerage system.
- (5) **Operations.** If pretreatment or flow equalization facilities are installed, they shall be effectively operated and maintained by the user at his expense.

SEC. 8-1-7 ACCIDENTAL DISCHARGES.

Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this ordinance. Users shall notify the City immediately upon occurrence of a "slug" or accidental discharge of substances prohibited by this ordinance and shall submit within 48 hours a written report of the incident. The report shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug of prohibited materials shall be liable for any expense, loss or damage caused by the discharge, in addition to the amount of fines imposed by the City. Signs shall be permanently posted in conspicuous places on user's premises, advising employees whom to call in the event of a slug or accidental discharge. Users shall instruct all employees who may cause or discover such a discharge, with respect to wastewater emergency notification procedure.

SEC. 8-1-8 SPECIAL AGREEMENTS.

No statement contained in this ordinance shall be constructed as prohibiting any special agreement between the City and any person, whereby an industrial waste of unusual strength or character may be admitted to the City sewerage system, 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 City without recompense by the person.

SEC. 8-1-9 INDUSTRIAL WASTES.

Industrial user and industrial wastes are defined in Section 8-1-2 of this ordinance. Industrial permits are required by Section 8-1-3(10)(b) of this ordinance.

- (1) **Application Time.** Every industrial user shall submit an application for a City issued industrial discharge permit 180 days prior to the beginning of any wastewater discharge.
- (2) **Application.** Users seeking an industrial wastewater discharge permit shall complete and file with the City an application, on the form prescribed by the City and accompanied by the applicable fee. In support of this application, the user shall submit the following information.
 - (a) Name, address and standard industrial classification number of applicant.
 - (b) Average volume of wastewater to be discharged.
 - (c) Wastewater constituents and characteristics as determined by examination according to "Standard Methods."
 - (d) Time and duration of discharge.
 - (e) Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
 - (g) Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
 - (h) Each product produced by type, amount and rate of production.
 - (i) Number and type of employees and hours of work.
 - (j) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- (3) **Review of Application.** The City may use a consulting engineer and/or an attorney to help evaluate the data furnished by the user. Additional data may be requested to enable the City to complete the review. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit.
- (4) **Permit Conditions.** Industrial wastewater discharge permits shall be subject to all provisions of this ordinance. Additional permit conditions may include:

- (a) The average and maximum wastewater flow and constituent limits the user will be allowed to discharge to the City sewerage system.
 - (b) Limits on the rate of discharge and time of discharges necessary to reduce slug flows.
 - (c) Requirement to construct and maintain a flow regulation or equalization facility.
 - (d) Requirement to construct, operate and maintain a monitoring station.
 - (e) The monitoring requirements for the industrial discharge will include type of sample, sampling frequency and the laboratory analyses required. All analyses shall be performed in accordance with "Standard Methods" and shall be at the user's expense.
 - (f) Require the user to install pretreatment facilities.
 - (g) Require the user to maintain stipulated wastewater records and to allow the City access to these records.
 - (h) Other conditions deemed necessary by the City to ensure compliance with the ordinance.
- (5) **Duration of Permit.** Industrial discharge permits shall be issued for a specified time period, not to exceed two years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date. If the user is not notified by the City 15 days prior to the expiration of the permit, the permit shall automatically be extended for 12 months. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (6) **Transfer Of Permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- (7) **Wastewater Monitoring.** The user discharging industrial waste shall be responsible for the required flow monitoring, sample collection and laboratory analyses stated in their permit. If the user is not qualified to perform these duties, the user shall engage a qualified private firm. As an alternative, the user may engage the City to perform these duties provided the associated costs are born by the user.

SEC. 8-1-10 SEWER SERVICE CHARGE

- (1) **Authority.** The City Council shall have the authority to establish and collect a sewer service charge for the use of the public wastewater treatment works maintained by City personnel.
- (2) **Classes of Users.** The following user classes are established:
 - (a) Residential.
 - (b) Commercial.
 - (c) Public Authority.
 - (d) Industrial.All users will pay at the rates as established by the user charge system.
- (3) **Method of Computing.** The service charge shall be based on rates from the sewer service charge development and on water or wastewater meter readings, when available. When such meter readings are unavailable, the service charges will be a flat charge based on the estimate of usage for the unmetered users. This estimate shall be 12,000 gallons per quarter. Where the flat charge must be used, it will be paid for the full quarter and shall not be prorated. If service should be interrupted for any full quarter, only the customer and demand charges will be charged.
- (4) **Sewer Service Charge Development.** The City provides sewer service to those with in its service area as a utility. The sewer service charge rates must therefore be approved by the Wisconsin Public Service Commission. Those rates are developed so as to equitable distribute the debt service charge, the user charge and the replacement cost to the users of the sewerage system. In order to equitably divide these charges, the various expenses of building and operating the sewerage system are apportioned to the following categories:
 - (a) Demand. The demand category is for those items or portions of items that can be related to the size of service that is provided the customer.
 - (b) Volume. The volume category is for those items or portions of items that can be related to the amount of water or waste that is used or produced.
 - (c) BOD. The BOD or bio-chemical oxygen demand category is for those items or portions of items that can be related to treating the BOD.

- (d) SS. The SS or suspended solids category is for those items that can be related to treating and handling the solids in the waste.
 - (e) Customer Charge. The customer charge category is for those items or portions of items that can be related to the number of customers without regard to the quantity or nature of the waste.
 - (f) BOD Surcharge. The additional charge made for treating BOD that is in excess of that defined for domestic strength waste.
 - (g) SS Surcharge. The additional charge made for treating SS that is in excess of that defined for domestic strength waste.
- (5) **Surcharges.**
- (a) The commercial and public authority class of users shall be charged at the residential user rate and such additional surcharges as may be shown equitable.
 - (b) The industrial user class of users shall be charged at the residential user rate plus a surcharge developed at such time as an application is received for a permit to discharge an industrial waste.
- (6) **Total Sewer Service Charge** shall be the sum of the demand, volume and customer charge plus any applicable surcharges. For those unmetered services, the total sewer charge shall consist of the flat charge.
- (7) **Billing.** Bills for sewer service are rendered quarterly and become due and payable on the first of the month following the period for which service is rendered. A late payment charge of 3% but not less than \$0.30 will be added to bills not paid within 20 days of issuance. This late payment charge is applicable to all customers. The customer may be given written notice that the bill is overdue no sooner than 20 days after the bill is issued and unless payment or satisfactory arrangements for payment is made within the next 8 days, service may be disconnected pursuant to Chapter 185 Wis. Adm. Code.
- (8) **Non-Payment.** Charges levied in accordance with this section shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid it shall be deemed delinquent. This debt may then be recovered by civil action in the name of the City against the property owner, the person or both. If delinquent payments are not received by November 1st of the calendar year, a ten percent charge shall be added to delinquent bills. Thereafter, if payment is not received prior to November

15th, the delinquent bill will be forwarded to the county for placement on the succeeding tax roll.

- (9) **Failure to pay. Removal or closure of connection. Restoration of service when.**
- (a) In the event of failure to pay sewer service charges after they have become delinquent, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes.
 - (b) The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt to the City and a lien upon the property, and may be recovered by civil action in the name of the City against the property owner, the person, or both.
 - (c) Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration, shall have been paid.
 - (d) Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.
- (10) **Replacement Fund.** A distinct replacement fund shall be established by the City. The replacement fund is for replacing equipment and accessories necessary to maintain the capacity and performance during the service life of the treatment facility.
- (11) **Audit of General Account.** The City shall conduct an annual audit, the purpose of which shall be to maintain the proportionality and adequacy of the sewer service charge relative to changing system operation, maintenance and debt service costs.
- (12) **Excess Revenue.** The City will credit any excess revenues collected to the user class from which it was collected.

SEC. 8-1-11 VIOLATIONS AND PENALTIES.

- (1) **Written notice required.** Any person found to be violating any provision of this ordinance, except Section 10 (Item 7) shall be served by the Village with a written notice stating the nature of the violation, and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (2) **Civil Penalties.** Whoever fails to comply with any provisions of this ordinance or with an Order of the City issued in pursuance of this ordinance, shall be fined not

less than \$100.00 nor more than \$1,000.00 for each offense.

Each day's continuance of such failure is a separate offense. The penalties so imposed, plus reasonable attorneys' fees, court costs and other expenses of litigation, are recoverable by the City upon its suit as debts are recoverable by law.

- (3) **Recovery of Costs Incurred by the City.** Any user violating any of the provisions of this ordinance, or who discharges or causes a discharge producing a deposit or obstruction; or causes damage to or impairs the City sewerage system shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City Clerk shall bill the cleaning, repair, or replacement work resulting from the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this ordinance and shall be enforceable under the provisions of this ordinance.
- (4) **Falsifying Information.** Any person who knowingly makes any false statement, representation or certification in any application, record, or report, plan or other document filed or required to be maintained pursuant to this ordinance, or a Wastewater Discharge Permit; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring devise or method required under this ordinance, shall, upon conviction be punished by the imposition of the civil penalty stated above or by imprisonment for not more than thirty days or by both.

SEC. 8-1-12 SEVERABILITY.

If any provision, paragraph, word, section or chapter of this ordinance is invalidated by any court of competent jurisdiction; the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.