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ARTICLE III
**Sewer Use**
**DIVISION 1. INTRODUCTION AND GENERAL PROVISIONS**

SEC. 46-58 – TITLE. This article shall be known as, referred to, or cited as the "User Charge and Sewer Use Ordinance for the City of Peshtigo, State of Wisconsin" and hereinafter referred to as "this article."

SEC. 46-59 - PURPOSE AND INTENT. This Article sets uniform requirements for discharging waters and wastes into the public sewerage system within the City. This section enables the City to protect public health in conformity with administrative provisions, water quality requirements and other discharge criteria, which are required or authorized by local, State and Federal law. The objectives of this section are as follows:

A. To regulate the construction and use of public and private sewers and drains.

B. To provide for annexations and connections to the public sewerage system.

C. To provide a means of determining wastewater volumes, constituents and characteristics, and to issue permits to certain users.

D. To set limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the system to prevent the introduction of pollutants into the wastewater treatment facilities which will interfere with the normal adequate treatment in the wastewater facilities, pass through the system into the receiving waters, or contaminate the resulting municipal sludge.

E. To recover from users of the wastewater treatment facilities, on an equitable basis, the share of the wastewater treatment facilities costs attributable to such users and to provide funds for the operation and maintenance, debt retirement and replacement of the wastewater facilities.

F. To set penalties for violations of the requirements of this Article, and to set forth collection of nonpayment of bills.

SEC. 46-60. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this article imposes greater restrictions, the provisions of this article shall govern.

SEC. 46-61. INTERPRETATION. In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the statutes of the State of Wisconsin.

SEC. 46-62. SANITARY REGULATIONS.

(a) Public wastewater collection facilities are required to be used for the deposit of human wastes, garbage or other liquid wastes that cannot be discharged into a receiving stream or disposed of in any other manner in accordance with federal and state statutes and state administrative regulations and approved by the Wisconsin Department of Natural Resources.

(b) It is unlawful for any person to maintain, keep in existence or use any outdoor toilet, privy or cesspool within the corporate limits of the City except where the property does not abut on any street or alley wherein a sewer has been laid, in which event the owner or occupant of said premises shall be required to construct and maintain a covered cesspool or septic tank.

(c) It is the duty of the City health and inspection officials and all police officers to regularly inspect all premises and all thoroughfares in the City and enforce the provisions of this section; and to that end, health, inspection and law enforcement officials are authorized to enter upon the premises of any individual, firm, or corporation for the purpose of making said inspection.

SEC. 46.63. DEFINITIONS. The following definitions are applicable to this chapter:

(a) ACCIDENTAL DISCHARGE. Any discharge which was not intentional and shall include as well a discharge caused by gross negligence or wanton or reckless conduct.

(b) APPLICABLE PRETREATMENT STANDARD. Any standard established by Federal, State or local authority limiting the discharge of pollutants that may be discharged or introduced into a wastewater treatment system by specific Industrial Dischargers.

(c) APPROVING AUTHORITY. The City Council or its duly authorized deputy, agent, or representative.

(d) BIOCHEMICAL OXYGEN DEMAND ($BOD_5$). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20°C, expressed as milligrams per liter. Quantitative determination of $BOD_5$ shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

(e) BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

(f) BUILDING INSPECTOR. The Building Inspector of the City or said person's appointed assistant, agent or representative.

(g) BUILDING SEWER. The extension from the building drain beginning at the immediate outside foundation wall to its connection with the public sanitary sewer or other place of disposal.

(h) BYPASS. The intentional diversion of wastestreams from any portion of a sanitary sewer user's pretreatment facility.

(i) CITY. The City of Peshtigo, Wisconsin.

(j) CLASS A CUSTOMERS. Sewer users that generate domestic strength wastewater.

(k) CLASS B CUSTOMERS. Sewer users, including but not limited to restaurants, supper clubs, nursing homes, and schools that generate high strength wastewater from food preparation.

(l) CLASS C CUSTOMERS. Sewer users that generate significant wastewater flows and loadings greater than domestic strength wastewater.

(m) COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, chemical oxygen demand, phosphorus and phosphorus compounds, or nitrogen and nitrogen compounds, plus additional pollutants identified in the WPDES permit issued to the City for its wastewater treatment facility, provided that such wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

(n) DEBT SERVICE. Costs to the Sewer Department for the retirement of debts incurred in the provision of wastewater facilities including both principal and interest.

(o) EASEMENT. An acquired legal right for the specific use of land owned by others.

(p) EXCESSIVE. Means in such magnitude that, in the judgment of the City, it will cause damage to any facility, will be harmful to the wastewater treatment plant to the degree required to meet the requirements of the WPDES permit, can otherwise endanger life, limb, or public property, and/or which can constitute a public nuisance.

(q) FATS, OIL, AND GREASE. A group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other non-fatty materials. Quantitative determination of fats, oil, and grease shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

(r) FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection or treatment system.

(s) FLOW PROPORTIONAL SAMPLE. Sample taken that is proportional to the volume of flow during the sampling period.

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

(u) INCOMPATIBLE POLLUTANT. Any and all pollutants that the wastewater treatment system either is not designed to remove, or, is incapable of removing through the wastewater treatment process.

(v) INDUSTRIAL WASTE. Any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resources.

(w) INFILTRATION. The water unintentionally entering sanitary sewers, building drains and building sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from, inflow.)

(x) INFILTRATION/INFLOW. The total quantity of water from both infiltration and inflow without distinguishing the source.

(y) INFLOW. The water discharge into the sanitary sewers, building drains and building sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include and is distinguished from infiltration.)

(z) INJURE THE SYSTEM. To damage or destroy facilities being a part of the wastewater collection or treatment system; to cause an upset of the treatment system; to obstruct or interfere with the flow of the wastewater anywhere in the system; to cause a public nuisance; or to cause a violation of the City's WPDES permit.

(aa) INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, directly or indirectly, both, inhibits or disrupts the City's wastewater treatment system, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's WPDES permit (including an increase in the magnitude or duration of a violation), or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; Chapters 144 and 147, Wis. Sat.; the Clean Air Act; TSCA; and the Marine Protection, Research and Sanctuaries Act.

(bb) LATERAL. The extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.

(cc) MAY. May is permissive; (see SHALL).

(dd) NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

(ec) NORMAL DOMESTIC WASTEWATER. Wastewater with concentrations of $BOD_5$ no greater than 360 mg/l and suspended solids no greater than 420 mg/l.

(ff) OPERATION AND MAINTENANCE EXPENSES. Includes all expenses associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

(gg) PASS THROUGH. A discharge which exits the City's wastewater treatment system into waters of the State of Wisconsin in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's WPDES permit, including an increase in the magnitude or duration of a violation.

(hh) PERSON. Any and all persons, including any individual, firm, company or private corporation, association, society, institution, enterprise, governmental agency or other entity.

(ii) pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of $10^{-7}$.

(jj) PHOSPHORUS (P) - Total phosphorus in wastewater, which may be present in any of three principal forms: orthophosphate, polyphosphates, or organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

(kk) POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewaters (e.g., pH, temperature, total suspended solids (TSS), turbidity, color, $BOD_5$, chemical oxygen demand (COD), toxicity, or odor).

(ll) PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the City's wastewater treatment system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by a applicable pretreatment standard.

(mm) PRETREATMENT REQUIREMENT. Any substantive or procedural requirement related to pretreatment imposed on a sanitary sewer user, other than a pretreatment standard.

(nn) PRETREATMENT STANDARDS OR STANDARDS. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

(oo) PROHIBITED DISCHARGE STANDARD OR PROHIBITED DISCHARGES. Prohibitions against the discharge of certain substances.

(pp) PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

(qq) PUBLIC SEWER. Any publicly owned sewer, storm drain, or sanitary sewer.

(rr) REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage lift stations and wastewater treatment facilities to maintain the capacity and performance for which such facilities was designed and constructed.

(ss) SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

(tt) SEPTAGE. The wastewater or contents of septic or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(uu) SEWAGE (also referred to as wastewater). A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground surface, and storm waters as may be present.

(vv) SEWERAGE SYSTEM. All properties, structures, manholes, catch basins, inlets, pipes, equipment and conduits for the purpose of collecting, treating, testing, and disposing of domestic wastewater and/or industrial or other wastewaters, as existing now or hereafter added to, expanded or improved.

(ww) SEWER. A pipe or conduit that carries wastewater or drainage water.

(xx) SEWER USER CHARGE. A charge levied on users of the wastewater collection and treatment systems to recover annual revenue for debt service, replacement costs and operation and maintenance expenses of such facilities.

(yy) SHALL is mandatory, MAY is permissive.

(zz) SHOCK. Any discharge of water or wastewater that, in concentration of any given constituent or in quantity of flow, exceeds for any duration longer than fifteen (15) minutes or more than five (5) times the average 24-hour concentration of flows during normal operation and that adversely affects the system and/or performance of the wastewater treatment system.

(aaa) SIGNIFICANT INDUSTRIAL SANITARY SEWER USER. All industrial sanitary sewer users subject to categorical pretreatment standards; or any industrial sanitary sewer user that discharges a flow of twenty-five thousand (25,000) gallons per day or more of process wastewater to the wastewater collection and treatment systems (excluding sanitary, non-contact cooling, and boiler blowdown wastewater); any industrial sanitary sewer user that contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the System; or is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the wastewater collection and treatment systems operation or for violating any pretreatment standard or requirement.

(bbb) SLUG. Any discharge of water or wastewater with a concentration or flow for any time period greater than fifteen (15) minutes that exceeds five (5) times the average twenty-four (24) hour concentration or flow that adversely affects the system and/or performance of the wastewater treatment facility.

(ccc) STORM DRAIN (storm sewer). A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(ddd) STORM WATER RUNOFF. That portion of the rainfall that is drained into the sewers.

(eee) SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, wastewater or other liquids and that are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

(fff) TOTAL KJELDAHL NITROGEN (TKN). Total organic nitrogen and ammonia nitrogen of the wastewater. Quantitative determination of TKN shall be made in accordance with Chapter NR 219 of the Wisconsin Administrative Code.

(ggg) TOXIC SUBSTANCE. Any substance whether gaseous, liquid or solid which, when discharged to the sewerage system in sufficient quantities, interferes with any wastewater treatment process, or constitutes a hazard to human beings or animals, or inhibits aquatic life in the receiving waters of the effluent from the wastewater treatment facility.

(hhh) UNMETERED USER. A user who is not connected to the municipal water system and thereby does not have his private water supply metered.

(iii) UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(jjj) USER. Any person who discharges, or causes to be discharged domestic wastewater, industrial discharges or any other wastewater into the public sewerage system.

(kkk) USER CHARGE EQUIVALENT (UCE). The basic unit of charging for sewer service and shall represent the volume and demand factors of wastewater discharged into the system by a single-family residence with the capability of producing normal domestic wastewater and shall further reflect the peak discharge into the system by such a user.

(lll) WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

(mmm) WASTEWATER COLLECTION FACILITIES. Wastewater Collection Facilities include gravity sanitary sewers, gravity sanitary sewer laterals, pressure sanitary sewers, pressure sanitary sewer laterals, grinder pump stations, sewage lift stations, sewage force mains, flow equalization facilities and associated appurtenances. The Wastewater Collection Facilities are collectively referred to in this Ordinance as the "Wastewater Collection System".

(nnn) WASTEWATER FACILITIES. The City's structures, equipment, and processes that are designed to collect, carry, and treat domestic wastewater and industrial discharges.

(ooo) WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial waste and sludge. Sometimes used as synonymous with "waste treatment." Wastewater Treatment Facilities includes the influent pumping facilities, preliminary treatment facilities, secondary treatment facilities, disinfection facilities, sludge treatment and stabilization facilities, sludge storage and disposal facilities, operation and maintenance facilities, ancillary facilities, administrative facilities, and associated appurtenances operated by the City for treatment of wastewater. The Wastewater Treatment Facilities are collectively referred to in this Ordinance as the "Wastewater Treatment System".

(ppp) WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(qqq) WPDES PERMIT. The Wisconsin Pollution Discharge Elimination System (WPDES) permit issued to the City to discharge pollutants under Chapter NR 210, Wisconsin Administrative Code, pursuant to Chapter 147 of the Wisconsin Statutes.

## DIVISION 2. USE OF THE PUBLIC SEWERS

SEC. 46-70 - MANAGEMENT. The management, operation, and control of the sewer system for the City, is vested in the City Council of said City. All records, minutes and all written proceedings thereof, and the financial records shall be kept by the City Clerk-Treasurer.

SEC. 46-71 - CONSTRUCTION. The City shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the City; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The City shall have power by themselves, their officers, agents, and servants, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability therefore; and the City shall have power to purchase and acquire for the Sewer Department all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

SEC. 46-72 - USER RULES AND REGULATIONS. The rules, regulations, and sewer rates of the City hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected with the sewer system to the City and every such person, company, or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the said City may hereafter adopt are violated the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the City, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the City may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said City, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the City to change the said rules, regulations, and sewer rates from time to time as they may deem advisable; and to make special rates and contracts in all proper cases.

SEC. 46-73 - PUBLIC UTILITY. Said utility shall be operated by the City as a public utility in accordance with the laws of the State of Wisconsin and the ordinance and resolutions of the City, and the rates and charges herein set forth shall be applicable to all services furnished and made available by said utility to the City and its inhabitants, and all other persons, firms, and corporations, both public and private, until modified by ordinance amendatory hereof or supplemental hereto; provided, however, that such rates and charges as amended shall always be fixed, maintained and collected in such amounts as shall produce gross revenues adequate to pay as incurred all costs of the operation and maintenance of said utility, and to accumulate an adequate reserve for the depreciation thereof, and to pay when due the principal of and the interest on all bonds of the City which are payable from the revenues of said utility.

SEC. 46-74 - FUNDS. The funds received from the operation of said public utility, in accordance with the rates and charges authorized by this ordinance, shall be deposited at regular intervals in a depository to be designated by the City and shall be set aside into a special and separate fund heretofore provided for by the City for the reasonable and proper operation and maintenance of said utility, for a proper and adequate replacement fund, and for the payment of interest and principal of bonds issued and outstanding, or which may be hereafter issued to provide funds to construct, improve, or extend such public utility.

SEC. 46-75 - SANITARY SEWERS. No person(s) shall discharge or cause to be discharged any unpolluted waters as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority. The Approving Authority has the right to require sewer users at the sewer user's expense to repair or replace sanitary laterals that have infiltration.

SEC. 46-76 - USER CONNECTIONS. The owner(s) of all houses, buildings, or properties 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 be in the future be located a public sanitary sewer of the City is (are) hereby required at the owner(s) expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance within three (3) months after the date of official notice from the Approving Authority to do so. It shall be unlawful for any person to displace, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

SEC. 46-77 - STORM SEWERS. Storm water other than that exempted under Section 308 and all other unpolluted drainage shall be discharged to such sewers as is specifically designated as storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

SEC. 46-78 - DISCHARGE PROHIBITIONS. 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:

(a) No person, without approval of the City, shall discharge any waste or other substance directly into a manhole, catch basin, or inlet. All discharges including trucked or hauled pollutants, to the sewer shall be through an approved sewer connection.

(b) Any gasoline, kerosene, benzene, toluene, ethylbenzene, xylene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(c) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the receiving waters of the wastewater treatment works.

(d) Any waters or wastes having a pH lower than 5.5 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to sewers, structures, equipment, and personnel of the wastewater collection or treatment facilities.

(e) Any solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, either whole or ground by garbage grinders.

(f) Any water or wastes that contain an incompatible pollutant.

(g) Any water or wastes that injure the system.

(h) Any water or wastes that bypass a pretreatment system.

SEC. 46-79 - DISCHARGE LIMITATIONS. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming its opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(b) Any water or waste containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred forty degrees (140°) Fahrenheit (0° and 60° Centigrade).

(c) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(d) Any wastes that cause clogging of collection system sewers; sewage lift stations; and treatment plant equipment, channels, and pipelines. These wastes include, but not limited to, baby wipes, personal hygiene wipes, single-use floor mop pads, dental floss, single-use toilet cleaning pads, protective undergarments, and anti-bacterial surface cleaning wipes.

(e) Any waters or wastes containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment plant exceeds the limits established by the Approving Authority for such materials.

(f) Any waters or wastes containing taste or odor-producing substances exceeding limits which may be established by the Approving Authority.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.

(h) 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 treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

(j) Quantities of wastewater flow, concentrations, or both which constitute a "shock" or "slug" as defined herein.

(k) Materials that exert, cause or contain:

(1) Unusual BOD, chemical oxygen demand, phosphorus, total Kjeldahl nitrogen, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant. A fee will be charged by the City for review of proposed discharges. The amount of the fee is presented in the Sewer User Charge Schedule.

(2) 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 chloride and sodium sulfate).

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

(4) Any noxious or malodorous liquids, gases, or solids or any pollutants that result in the presence of toxic gases, vapors, or fumes that alone or in combination create a public nuisance or worker health or safety hazard.

(l) Any wastes that create a fire or explosion hazard, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR 261.21.

(m) Any volatile substance that causes 2 consecutive air monitor readings greater than 5% or any single reading greater than 10% of the Lower Explosive Limit (LEL). Examples of volatile substances include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, and peroxides. Benzene concentrations shall not exceed 0.5 milligrams per liter (mg/l). Total BTEX (benzene, toluene, ethyl benzene, sylenes) concentrations shall not exceed 1.0 mg/l.

(n) No wastewater, regardless of character, shall be discharged to the sewage system in such a manner as to interfere with the designed operation of the collection system or treatment facilities, or pass through the treatment works to cause the treatment works to exceed the limits presented by the WPDES permit; or interfere with the sludge management program.

SEC. 46-80 – LOCAL LIMITATIONS. A user shall not discharge into the sewerage system wastewater containing pollutants in amounts exceeding the flow based concentrations stated below. Where Federal, State or local regulations outline different limitations for the same pollutant, the more stringent limitation shall apply.

| Pollutant | Flow Based Concentration mg/l | | |
|---|---|---|---|
| | 20,000 gpd | 40,000 gpd | 60,000 gpd |
| Arsenic (Total) | 0.48 | 0.24 | 0.16 |
| Cadmium (Total) | 0.46 | 0.23 | 0.15 |
| Chromium (Total) | 4.00 | 4.00 | 4.00 |
| Copper (Total) | 2.00 | 2.00 | 2.00 |
| Cyanide (Total) | 1.00 | 1.00 | 1.00 |
| Lead (Total) | 1.40 | 0.70 | 0.40 |
| Mercury (Total) | 0.002 | 0.002 | 0.002 |
| Molybdenum | 0.07 | 0.07 | 0.07 |
| Nickel (Total) | 2.90 | 1.47 | 0.98 |
| Selenium | 0.30 | 0.30 | 0.30 |
| Silver | 0.70 | 0.70 | 0.70 |
| Zinc (Total) | 1.35 | 0.67 | 0.45 |

No provision of this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the United States Environmental Protection Agency or the Wisconsin Department of Natural Resources.

Discharge of $BOD_5$ and suspended solids loadings having concentrations greater than domestic strength will be surcharged. The unit costs for $BOD_5$ and suspended solids loadings are presented in the Sewer User Charge Schedule.

SEC. 46-81 - SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.

SEC. 46-82 - NEW CONNECTIONS. New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport and/or treat, as required by the WPDES Permit, the additional wastewater anticipated to be received from such connections.

SEC. 46-83 - SERVICE AREA. The area served by the Sanitary Sewer System shall coincide with the area within the Peshtigo City limits. Sanitary sewer extensions beyond said limits are prohibited unless approved by the City. Annexation to the City of Peshtigo is required of all properties to be serviced by the Sanitary Sewer System, which currently lie outside the Peshtigo city limits unless service to a property is approved by the City.

## DIVISION 3. CONTROL OF HIGH STRENGTH - TOXIC WASTES DIRECTED TO PUBLIC SEWERS

SEC. 46-90 - SUBMISSION OF BASIC DATA. Within three (3) months after passage of this Ordinance, establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include a brief description of the activity resulting in the discharge and the location of the discharge, a site plan showing the source of the waste and location of sewers, pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works, and a copy of all material safety data sheets (MSDS) for products used at the facility.

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

SEC. 46-91 - EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the establishment to comply with the time schedule imposed by Section 46-90, a request for extension of time may be presented for consideration of the Approving Authority.

SEC. 46-92 - HIGH STRENGTH - TOXIC DISCHARGES. If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article II and which in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the Approving Authority may:

(a) Reject the wastes.

(b) Require pretreatment to an acceptable limit for discharge to the public sewers.

(c) Require control over the quantities and rate of discharge and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

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

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

SEC. 46-93 - CONTROL MANHOLES. Each Class 'B' and Class 'C' customer discharging wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of this wastes, including domestic sewage.

Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed they shall be of a type acceptable to the Approving Authority.

Control manholes, access facilities, and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

SEC. 46-94 - METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation such meters may not be removed without the consent of the Approving Authority. Metering equipment for wastewater and noncontact cooling water shall be calibrated annually by a third party that is qualified to perform meter calibrations. All costs associated with metering of wastes shall be paid by the discharger.

SEC. 46-95 - WASTE SAMPLING. Class 'B' and Class 'C' customer wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority.

Sampling shall be conducted in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

SEC. 46-96 - ANALYSES. All measurements, tests, and analyses of the characteristics of waters and wastes shall be performed by certified and registered laboratories. Certification and registering of laboratories shall be in accordance with Chapter NR 149 of the Wisconsin Administrative Code. All measurements, tests, and analyses of the characteristics of waters and wastes shall be performed in accordance with Chapter NR 219 "Analytical Test Methods and Procedures" of the Wisconsin Administrative Code. Sampling methods, location times, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them, or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

SEC. 46-97 - WASTEWATER DISCHARGE PERMITS. Each Class 'B' and Class 'C' customer shall be issued a wastewater discharge permit by the City. The permit shall contain the following information and requirements:

(1) Description of facility and sources of wastewater.
(2) Description of monitoring facility including location, flow element, and monitoring equipment.
(3) Requirements for flow meter calibration at discharger expense.
(4) Requirements for monitoring station maintenance and repairs.
(5) Notice to City two weeks prior to any change in process that affects the characteristics of wastewater discharge (Flow, BOD, suspended solids).
(6) Monitoring frequency and requirements.
(7) Payment by significant users for monitoring.
(8) Reporting requirements.
(9) Access to monitoring facilities by City authorized representatives.
(10) General conditions.

SEC. 46-98 - PRETREATMENT. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

SEC. 46-99 - SUBMISSION OF INFORMATION. Plans, specifications, any other pertinent information relating to proposed flow equalizations, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

The Approving Authority may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

(a) Wastewater discharge peak rate and volume over a specified time period.

(b) Chemical analyses of wastewaters.

(c) Information on raw materials, processes, and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(e) A plot plan of sewers for the user's property showing sewer and pretreatment facility location.

(f) Details of wastewater pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

SEC. 46-100 - GREASE AND/OR SAND INTERCEPTORS. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in SEC. 46-79(b) of Division 2, 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 connected to sources of grease, oil, fats, and sands. The layout of all interceptors shall be approved by the Approving Authority. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be constructed and sized in accordance with State of Wisconsin Department of Commerce 82.34 Standards. In the maintaining of 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. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

The grease and/or sand interceptors shall be pumped at a minimum frequency of one time per year and inspected annually by a licensed plumber or contract hauler. The sanitary sewer user shall submit a report to the City annually. The report shall include amount of grease removed, date of removal, name and license number of inspector, date of inspection, and results of inspection. The frequency of pumping will be more frequent than annually if deemed necessary by the City.

In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal that are subject to review by the City. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with acceptable Department of Natural Resources regulations, and save harmless the City from any and all liability, claims, damages or costs arising out of or resulting from such disposal.

SEC. 46-101 - NOTIFICATION OF ACCIDENTAL DISCHARGE. The accidental discharge of any prohibited waste into any sewer shall be reported to the City by the person responsible for the discharge, or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the sewerage system. Notification of such discharge will not relieve the person of liabilities for any expense, loss or damage to the system, or for any fines imposed on the City on account thereof.

SEC. 46-102 - NOTIFICATION OF SERVICE MAINTENANCE. No person shall do any sanitary sewer service root cutting or similar service pipe maintenance unless they provide the City Engineer or his authorized deputy, agent or representative with notice prior to commencement of the work. The prior notification by sewer user and contractor shall be at least 12 hours before commencement of the work. In an emergency situation where at least 12 hours notification is impractical, the prior notification to the City Engineer or his designee shall be as soon as possible by the quickest available means of communication. The notification shall include the date, time and location of the proposed work. The purpose of the notification requirement is to permit the City to inspect and assist in the removal of roots in the sewer main to prevent sewer backups. Any person who shall violate any of the provisions of this subsection shall be subject to the penalty provisions of Division 11 of this Code.

## DIVISION 4. RIGHT OF ENTRY, SAFETY, AND IDENTIFICATION

SEC. 46-110 - RIGHT OF ENTRY. A duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this Ordinance and state laws. The duly authorized employee of the City shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

SEC. 46-111 - SAFETY. While performing the necessary work on private premises referred to in SEC. 46-110, the duly authorized City employees shall observe all safety rules applicable to the premises established by the owner or occupant and the City shall indemnify the owner against loss or damage to its property by City employees and against the liability claims and demands for personal injury or property damage asserted against the owner and growing out of gauging and sampling operation of City employees; except as such may be caused by negligency or failure of the owner to maintain safe conditions as required in SEC. 46-93.

SEC. 46-112 - IDENTIFICATION, RIGHT TO ENTER EASEMENTS. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.

## DIVISION 5. SEWER CONSTRUCTION (BUILDING SEWERS)

SEC. 46-113 - WORK AUTHORIZED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written plumbing permit from the Building Inspector. The fee for the plumbing permit shall be determined by the building inspector, and shall be paid prior to the issuance of the permit.

All contractors, plumbers, pipe fitters or other persons shall be licensed to do work in the City and shall have an acceptable Certificate of Insurance before being permitted to work on any public sewer or building sewer. A license from the State of Wisconsin shall be received, except in cases where State law permits building owners to their own work without being licensed.

Prior to commencement of the work, the permittee shall notify the proper utilities at least 48 hours before beginning excavations.

SEC. 46-114 - COST OF SEWER CONNECTION. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Property Owner. The Property Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SEC. 46-115 - USE OF OLD BUILDING SEWERS. The City may allow use of old building sewers for connection with new buildings only if they are found on examination by televising and pressure test by a third party, at sewer user's expense, to meet all requirements for this Ordinance.

SEC. 46-116 - MATERIALS AND METHODS OF CONSTRUCTION. The size, slope, alignment, materials of construction of building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Wisconsin Administrative Code, the State Department of Natural Resources, the building and plumbing code, and other applicable rules and regulations of the City. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

SEC. 46-117 - 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.

SEC. 46-118 - 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 public sanitary sewer.

All existing downspouts or groundwater drains, etc. connected directly or indirectly to a public sanitary sewer must be disconnected no later than 60 days from the date of an official written notice by the Approving Authority. Failure to disconnect after such notice shall authorize the City to cause disconnection and assessment of the costs of such disconnection against the property involved. The City may, in the alternative, institute legal action for violation of this subsection. Exceptions to the above shall be made only by the Approving Authority in writing.

SEC. 46-119 - CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation.

All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe.

SEC. 46-120 - INSPECTION OF CONNECTION. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

SEC. 46-121 - BARRICADES AND RESTORATION. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SEC. 46-122 - USER TO KEEP IN REPAIR. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

SEC. 46-123 - USER USE ONLY. No user shall allow others or other services to connect the sewer system through his lateral.

SEC. 46-124 - MANDATORY HOOKUP. The owner of each parcel of land adjacent to the sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 90 days of notice in writing from the City. Upon failure to do so the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes provided, however, that the owner may within thirty (30) days after the completion of the work file a written option with the City Clerk stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed five (5) equal installments and that the amount shall be so collected with interest at the City current borrowing rate plus 2 percent per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Section 144.06 Wisconsin Statutes.

In lieu of the above, the City 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 sewer system of an amount equal to 150 percent of the minimum monthly charge for sewer 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 a special tax lien against the property, all pursuant to Section 144.06 Wisconsin Statutes.

This Ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of said City and fails to assure preservation of public health, comfort, and safety of said City.

SEC. 46-125 - MAINTENANCE OF SERVICES. The user shall be responsible for maintaining the entire sewer lateral in service. If the sewer lateral must be replaced, the sewer user will be responsible for the portion within street right-of-way and the portion on the private property.

When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

SEC. 46-126 - SEPTIC TANKS PROHIBITED. Additional septic tanks or other private sewage disposal systems are not allowed for new development within the corporate limits of the City after the date of this ordinance if public sewer is available.

SEC. 46-127 - VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system, the City must be notified in writing. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives, or agents.

SEC. 46-128 - CHARGES ARE A LIEN ON PROPERTY. All sewer services, charges, and special assessments shall be a lien on a lot, part of a lot, or land on which sewer services were supplied. All sums which have accrued during the preceding year and which are unpaid by the first day of October and any year, shall be certified to the City Clerk to be placed on the tax roll for collection as provided by Wisconsin Statutes.

## DIVISION 6. SEPTIC TANK AND HOLDING TANK DISPOSAL

SEC. 46-136 - ANNUAL PERMIT REQUIRED. No person in the business of gathering and disposing of septic tank sludge or holding tanks shall transfer such material into any disposal facility located within the City unless a permit for disposal has been first obtained from the City. Written application for such permit shall be made to the City and shall state the name and address of the applicant, the number of its disposal units and the make, model and license number of each unit. Permits shall be nontransferable, except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The annual permit may be obtained upon payment of a fee in accordance with the Sewer User Charge Schedule. The City may impose such conditions as it deems necessary on any permit granted.

SEC. 46-137 - CHARGES. Charges for disposal shall be as determined by the City. Bills shall be mailed on a monthly basis and, if payments are not received in thirty (30) days thereof, disposal privileges shall be suspended.

SEC. 46-138 - PUBLIC LIABILITY INSURANCE. Any person or party disposing of septic tank or holding tank sludge shall carry public liability insurance in an amount not less than One Million Dollars ($1,000,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act or failure to act by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.

SEC. 46-139 - HOLD HARMLESS. The person disposing waste agrees to indemnify and save harmless the City from any and all liability, claims, damages or costs arising out of or resulting from such disposal.

SEC. 46-140 - COMPLIANCE WITH ORDINANCES. The person disposing of waste shall comply with the provision of any and all applicable ordinances of the City.

SEC. 46-141 - DUMPING LIMITED TO MAIN SEWAGE LIFT STATION. All dumping shall be done at the dumping facility provided at the Main Sewage Lift Station site. No dumping will be allowed at remote manholes without written permission from the City.

SEC. 46-142 - SUSPENSION OF DUMPING. If the City determines that they do not have the capacity capable for maintaining separate treatment of septage or holding tank waste, the City shall limit or suspend such dumping until adequate capacity becomes available.

## DIVISION 7. DAMAGE OR TAMPERING WITH SEWAGE FACILITIES

SEC. 46-150 - WILLFUL, NEGLIGENT OR MALICIOUS DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage facilities. Any persons violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

SEC. 46-151 - LIABILITY TO DISCHARGER FOR LOSSES. Any person who intentionally, negligently or accidentally violates any provisions of this Ordinance shall become liable to the City or any downstream user, for any expense, loss or damage occasioned by reason of such violation which the City or any downstream user may suffer as a result thereof. This section shall be applicable whether or not a written notice of the violation was given as provided in Sec. 46-168 and without consideration for any penalties that may be imposed for a violation of this Ordinance.

## DIVISION 8. BASIS FOR SEWER SERVICE CHARGES

SEC. 46-152 - SEWER USERS SERVED BY WATER UTILITY WATER METERS. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a user charge based, in part, on the quantity of water used as measured by the water utility water meter used upon the premises.

SEC. 46-153 - SEWER USERS SERVED BY PRIVATE WELLS. Sewer users served by private wells have two options as described below.

(a) If any user discharging wastewater into the system procures any part or all of water used from sources other than the Water Utility, all or part of which is discharged into the system, the user shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where wastewater meters are already installed, the water meters will not be required. The water meters may be furnished by the Water Utility and installed under its supervision. All costs, including the cost of the meter shall be charged to the user requiring the meter.

(b) As an alternative to the installation of a water or wastewater meter, the Approving Authority may, upon petition by the user, establish a flat rate for sewer service which shall be based on the average Water Utility consumption for the classification of services which applies to the petitioner.

SEC. 46-154 - MEASUREMENT OF FLOW FROM RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC USERS. The volume of flow used for computing the user charge shall be the metered water consumption of the user as shown in the records of meter readings maintained by the water utility, except as noted in Sec. 46-153.

SEC. 46-155 - EXEMPTION METERS. In the event that a sewer user discharging wastes into the public sewers produces evidence satisfactory to the City that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the sewer user may be permitted to have an exemption water meter(s) installed. Said meter(s) shall be furnished by the City and installed by the sewer user. All other costs shall be at the

expense of the sewer user requiring the meter(s), including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the exemption meter. The City will charge for each meter at the rate of fifty (50) percent of the minimum water service charge set for that size meter to compensate for furnishing, reading, and servicing the meter. This charge shall be in addition to the wastewater user charge. The amount of exemption water metered shall be subtracted from the total amount of water used by the sewer user to determine the applicable Wastewater User Charge.

SEC. 46-156 - METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation such meters may not be removed without the consent of the Approving Authority.

SEC. 46-157 - WASTE SAMPLING. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. The collection of a flow proportional composite sample is preferred.

SEC. 46-158 - FREE SERVICE. No user shall receive free service or pay a sewer use charge less than the user's proportional share of debt retirement, operation and maintenance, and replacement costs.

## DIVISION 9. BILLING PRACTICE

SEC. 46-159 - BILLING PERIOD. User charges shall be billed on a quarterly basis.

SEC. 46-160 - PAYMENT. User charges shall be payable twenty (20) days after the billing date to the City of Peshtigo.

SEC. 46-161 - PENALTIES. Charges levied in accordance with this Ordinance shall be a debt to the City. If the debt is not paid within twenty (20) days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 1% per month of the amount of the monthly bill (penalties shall not be compounded).

Charges and penalties shall constitute a lien upon the property services and be recorded on the municipality's tax roll. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

SEC. 46-162 - NOTIFICATION. Each user shall be notified annually, in conjunction with a regular bill of the rate of those portions of the user charges that are attributable to wastewater treatment services.

## DIVISION 10. SEWER SERVICE CHARGES

SEC. 46-163 - SEWER USER CHARGES

(a) Users of the City of Peshtigo Wastewater Collection System and Wastewater Treatment Plant (WWTP) shall be charged a rate that will recover all Sewer Department expenses. The Sewer Department costs include general and administrative expenses, meter reading and billing expenses, debt service expenses, replacement fund expenses, and operation and maintenance expenses. User charges shall be reviewed and updated no less than biennially (every two years). The distribution of the Sewer Department expenses shall be in accordance with the methodology set forth in the Sewer User Charge System report.

(b) The Sewer User Charge System shall include four customer classes. Sewer users that generate domestic strength wastewater shall be considered Class 'A' customers. Sewer users that generate high strength sanitary sewage from food preparation shall be considered Class 'B' customers. The City will sample and test the wastewater from Class 'B' customers to determine their waste characteristics. The cost for sampling and testing shall be paid by the Class 'B' customers. Sewer users that generate significant wastewater flow and loadings greater than domestic strength wastewater shall be considered Class 'C' customers. Class 'C' customers shall have permanent metering and sampling facilities. The cost for sampling and testing shall be paid by the Class 'C' customers. Class 'C' customers shall submit to the City by the 10th of the month a copy of their monthly wastewater discharge report that identifies total flow, $BOD_5$ loading, and suspended solids loading.

Haulers that discharge holding tank wastewater, septage, or portable toilet wastewater to the sewer system at the public works facilities shall be considered Class 'D' customers. Class 'D' customers shall include Class 'D-1' for holding tank wastewater, Class 'D-2' for septage, and Class 'D-3' for portable toilet wastewater. The cost for sampling and testing shall be paid by the Class 'D' customers.

(c) Each customer bill shall consist of a fixed charge and a variable charge. The fixed charge for Class 'A' and Class 'B' customers shall be based on the size of the water meter. The fixed charge for Class 'C' customers shall be based on the size of the water meter the customer would need if they were served by the Peshtigo Water Utility. The fixed charge for Class 'C' customers shall also include the expenses for their allocated design capacity. Equivalent meter sizes shall be used to allocate infiltration and inflow (I/I) to each customer class. This is commonly referred to as user charge equivalent (UCE). The fixed charge for Class 'D' customers shall be an administrative fee per truckload of waste received. The variable charge for Class 'A' and Class 'B' customers will be based on metered water use. A sewer user served by a private well will be charged at the volume calculated under Sec.. 46-153. The cost for 1,000 gallons shall be higher for Class 'B' customers than Class 'A' customers because of higher waste loadings than domestic strength wastewater. The variable charge for Class 'C' customers shall be based on flow, biochemical oxygen demand ($BOD_5$), and suspended solids (SS) discharged by the customer and the unit costs for flow, $BOD_5$, and SS. The variable charge for Class 'D' customers shall be based on the volume of each type of hauled waste discharged to the sewer system.

(d) A surcharge shall be added to the volume charge for any sewer user that discharges wastewater pollutant concentrations that exceed those of normal domestic sewage as determined using the WWTP influent loadings and water use discharged to the sewer system. The unit surcharge costs are presented in the Sewer User Charge Schedule.

(e) The user charges for the four customers classes shall be billed quarterly in accordance with the Sewer User Charge Schedule.

## DIVISION 11. VIOLATIONS AND PENALTIES

SEC. 46-168 - WRITTEN NOTICE OF VIOLATION. Any person found to be violating any provision of this Ordinance shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

SEC. 46-169 - ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall pay the amount established by the Approving Authority to cover damage.. The penalty for not reporting an accidental discharge shall be a forfeiture of One Thousand Dollars ($1,000).

SEC. 46-170 - CONTINUED VIOLATIONS. Any person, partnership or corporation, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit $1,000 per violation together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the Marinette County Jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

SEC. 46-171 - LIABILITY TO THE CITY FOR LOSSES. Any person violating any provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation that the City may suffer as a result thereof.

## DIVISION 12. APPEALS

SEC. 46-172 - PROCEDURES. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within ten (10) days 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, permit applicant or permit holder in writing within 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 10 days after notification of the Approving Authority's action, file a written appeal with the City Clerk.

A fee of $100 shall accompany any appeal for a ruling by the City Council. This fee may be refunded if the appeal is sustained in favor of the appellant.

The written appeal shall be heard by the City Council within 45 days from the date of filing. The City Council shall make a final ruling on the appeal within 60 days from the date of filing.

## DIVISION 13. VALIDITY

SEC. 46-173 - REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this Ordinance are hereby repealed.

SEC. 46-174- INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, provision or this Ordinance which can be given effect without such invalid part or parts.

SEC. 46-175 - AMENDMENT. The City through its duly qualified officers, reserves the right to amend this Ordinance in part or in whole wherever it may deem necessary, but such right will be exercised only after due notice to all person concerned and proper hearing on the proposed amendment.

## DIVISION 14. AUDIT

SEC. 46-176 - ANNUAL AUDIT. The City shall conduct an annual audit, the purpose of which is to insure that each user and user class pays its proportionate share of capital costs, operation and maintenance (including replacement), and other costs of constructing and operating the treatment works within the City service area. Following the completion of the annual audit, the City shall revise the charges for users and user classes, if necessary, to maintain the proportionate distribution of costs among users and user classes, generate sufficient revenue to pay the total costs necessary for the proper operation (including maintenance and replacement) of the treatment works, and to apply excess revenues collected from a class of users to the costs of operation attributable to that class for the next year and adjust the rates accordingly. The basic format of the system shall conform to Sec. 46-163.

## DIVISION 15. ENACTING CLAUSE

SEC. 46-177 - DATE OF EFFECT. This Ordinance shall take effect and be in force from and after its passage, approval, recording, and publication, as provided by law.

SEC. 46-178- DATE OF ENACTMENT (APPROVAL). Passed and adopted by the City Council of Peshtigo in the County of Marinette, and the State of Wisconsin, on the 3rd day of June, 2014

OFFERED BY: Mary E Lock
Alderperson

SECONDED BY: Thomas Jagowa
Alderperson

APPROVED: Catherine Malke
Mayor

ATTEST: Vicki L Lourigan
Interim Clerk-Treasurer

# SEWER USER CHARGE SCHEDULE

## Class 'A' and Class 'B' Customers

Fixed Charge:

| Meter Size, inches | User Charge Factor | Quarterly Meter Charge | Quarterly Customer Charge | Total Quarterly Charge |
|---|---|---|---|---|
| ⅝ | 1.0 | $15.64 | $5.84 | $ 21.48 |
| 1 | 2.5 | 39.10 | 5.84 | 44.94 |
| 1¼ | 3.7 | 57.87 | 5.84 | 63.71 |
| 1½ | 5.0 | 78.20 | 5.84 | 84.04 |
| 2 | 8.0 | 125.12 | 5.84 | 130.96 |
| 3 | 15.0 | 234.60 | 5.84 | 240.44 |
| 4 | 25.0 | 391.00 | 5.84 | 396.84 |
| 6 | 50.0 | 782.00 | 5.84 | 787.84 |
| 8 | 80.0 | 1,251.20 | 5.84 | 1,257.04 |
| 10 | 120.0 | 1,876.80 | 5.84 | 1,882.64 |
| 12 | 160.0 | 2,502.40 | 5.84 | 2,508.24 |

Variable Charge: $5.07 per 1,000 gallons

Unit surcharge costs for wastewater greater than domestic strength:

| Parameter | Domestic Strength Concentration | Surcharge Cost |
|---|---|---|
| $BOD_5$ | 360 mg/l | $0.29 per pound |
| Suspended Solids | 420 mg/l | $0.09 per pound |

## Class 'C' Customer

Fixed Charge: $53,372.14 per quarter

Variable Charge:
$0.20 per 1,000 gallons flow
$0.29 per pound $BOD_5$
$0.09 per pound SS

## Class 'D' Customers

Annual Permit Fee $25.00 per customer

Fixed Charge: $5.00 per truck load

Variable Charges:

| | |
|---|---|
| Class 'D-1' Holding Tank Wastewater | $ 5.00 per 1,000 gallons |
| Class 'D-2' Septage | $30.00 per 1,000 gallons |
| Class 'D-3' Portable Toilet Wastewater | $32.00 per 1,000 gallons |

Testing Fee: $45.00 per sample

## Wastewater Discharge Review Fee

$300 per discharge request