

CHAPTER 12
MUNICIPAL UTILITIES

		Page
12.01	Municipal Waterworks, Rules and Regulations	2
12.02	Water Rates	5
12.03	Private Wells	6
12.04	Sewer Use & Wastewater Treatment Service Rates	7
12:05	Penalty	29

**(Revised in its entirety Ord. 1010 6/5/07)
(Amendments Ord. #1040 12/2 08)**

12.01 MUNICIPAL WATERWORKS, RULES AND REGULATIONS.**(1) APPLICATIONS FOR SERVICE.**

The owner shall make all applications for water service to the Director of Public Works, or the occupant with a written consent of the owner, upon blanks provided for that purpose by the Director.

The application must be accompanied by a sum equal to the average current cost of carrying the water to the inner curb line. Such application must fully set forth the purposes for which the water is to be used.

(2) INSTALLATION.

(a) If no objections appear upon the filing of the application, the Director shall authorize the Water Department to tap the main, insert the corporation cock, connect the service pipe and install the service cock and service cock cover. The service cock shall be located in line with the fire hydrants, or the inner side of the curb line.

(b) On application duly made for water main extensions and water service, no objections thereto appearing to the Director of Public Works, the Director shall authorize the Department to extend the water main. Special assessments to pay the cost thereof shall be levied by the Common Council under sec. 66.0703 Wis. Stats.

(c) The service pipe shall not run from one lot to another in streets where mains are laid, but water must be taken from the main in front of the premises or some point adjacent to the same. Each service pipe shall be at least 6 feet below the established street grade.

(d) Any person other than the City, or its agent, installing water mains or laterals shall obtain a permit from the Director of Public Works and all work and materials shall meet city specifications.

(3) PLUMBING REQUIREMENTS.

The system of plumbing in any building shall be subject to the inspection of the Plumbing Inspector who shall have free access to the premises connected and shall be allowed to enter the same at all reasonable hours for the purpose of ascertaining the condition and location of all pipes and fixtures connected therewith. If there be a defect in a private pipe beyond the service pipe, the Director of Public Works or the Plumbing Inspector shall give a notice in writing of such fact to be left at the premises and the occupant shall be allowed 24 hours to repair the same before the water shall be cut off.

(4) EXTENSIONS OR NEW ATTACHMENTS.

Whenever extensions are desired or new attachments are to be made, permits must be obtained in the usual manner, and the tapper must be notified to draw the old tap and insert the new if necessary.

(5) RESTRICTING THE USE OF WATER.

The Director of Public Works may suspend the use of fountains and hose for sprinkling streets, yards, gardens and all other service whenever in his opinion the public safety may require it.

(6) INTERMITTENT USERS.

Parties desiring water for cisterns, tanks, or other intermittent supply, will be charged at regular rates as per schedule, provided, however, that all expense incurred in furnishing such service shall be paid by the applicant.

(7) INJURY TO WATER SYSTEM PROHIBITED.

(a) No person except a member of the Water Department, the Director of Public Works or the Chief of the Fire Department, in case of fire or in training the members of the department, or the duly authorized person shall open or in any manner tamper with any public or private hydrant, plug, drawcock, hose or any other attachment without first obtaining a permit and conforming to such conditions as the Director of Public Works may impose.

(b) No person shall willfully deface, mark, place any obstruction around or in any way injure or meddle with the hydrants, valves or other parts of the waterworks of the City. In addition, no person shall attempt to work on them without proper authorization.

(8) DISCONTINUING SERVICE.

(a) Any consumer desiring to discontinue the use of water must give notice thereof in writing on or before the water rent is due or he will be charged with the rent until the next rent day.

(b) No lease of water will be made for a shorter period than one year except where water is used for purposes purely temporary and upon special terms.

(9) CLAIMS AGAINST CITY PROHIBITED.

No claims shall be made against the City by reason of the breakage of any main pipe, service pipe or cock or for an interruption of the supply of water or by reason of the breakage of machinery, or the stoppage for necessary repairs.

(10) STATE PLUMBING LICENSE REQUIRED.

No person shall be allowed to do any plumbing connection with the water system without obtaining a permit and shall conform to such regulation as imposed by the Director of Public Works or his duly authorized representative and shall do the work subject to his approval and in accordance with this section.

(11) VIOLATION OF RULES OR NONPAYMENT OF RENT.

(a) Refer to Public Service Commission Water Ruling Docket No. 1100-WR-102 Dated 12-15-03.

(b) No person shall supply water to a service pipe from which the supply has been turned off without first obtaining a permit from the Director of Public Works.

(c) Any damage which a meter may sustain, resulting from the carelessness of the owner of the premises, his agent or tenant, or from neglect of either of them to properly secure and protect the same including any damage that may result from allowing the meter to become frozen or to be injured from hot water, or steam setting back from a boiler, shall be paid to the Water Department by the consumer of the water or the owner of the premises.

(12) METERS.

(a) If any meter fails to register for any cause, the amount charged during such period shall be estimated and based on the average amounts registered during a like period.

(b) No person, unless properly authorized by the Director of Public Works shall connect, remove, repair or disturb any water meter.

(c) If a consumer requests that a test be made of his meter in addition to the periodic or installation test, no test shall be made unless the consumer or his agent witnesses the test. Meters shall be repaired and maintained at the sole expense of the City.

(d) WATER DEDUCT METERS. (#634 7/16/85) Any user of a deduct water meter which is used for obtaining sewer service charge credits shall transfer ownership of such water meter to the City of Chilton and the City of Chilton shall be responsible for measuring such sewer service credits.

1. If a user does not transfer their present water deduct meter to the City of Chilton, then the City of Chilton shall provide such user with a deduct water meter.

2. The City of Chilton shall be responsible for all maintenance and replacements of all such deduct meters.

3. The sewer service credit charges shall be based on the City of Chilton rate charges. A quarterly charge, based on meter size, shall be charged to user to cover costs of maintenance, repair, or replacement of the meter, which rate is set by the State of Wisconsin Public Service Commission.

(13) NOTICE OF ALTERATION OR EXTENSION.

No alteration or extension shall be made in any water pipe or fixtures, without first giving notice of such proposed alteration or extension, and receiving a permit from the Director of Public Works authorizing the same, and the work must be done by a competent licensed plumber.

(14) SERVICE LINE MAINTENANCE.

Each property owner shall maintain the service line from the curb stop to the point of metering or use. If an owner fails to so repair a leaking or broken service pipe within such times as may appear reasonable to the water utility after notification has been served on the owner by the Director of Public Works, the water shall be shut off and not turned on again until the repairs have been completed.

(15) THAWING FROZEN SERVICES.

Frozen services shall be thawed out by and at the expense of the City except where the freezing was caused by contributory fault or negligence on the part of the consumer such as reduction of the grade or undue exposure of the piping in the building or on consumer's property. After thawing such services, the City shall issue instructions as may be necessary to prevent the re-freezing of the same service. No charge will be made for the re-thawing of the same service. No charge will be made for the re-thawing if the instructions are followed. In the case that it is necessary to allow the water to run to prevent re-freezing, the consumer must make provisions for proper disposal of the waste water. For the period in which the water is allowed to run, the consumer will be allowed a credit in an amount to be determined by the Director of Public Works who shall take into consideration consumption in similar quarters in previous years. A new consumer shall be charged the average bill for other consumers of the same class receiving service under comparable conditions.

(16) SURREPTITIOUS USE OF WATER.

When the City has reasonable evidence that the consumer is obtaining his water in whole or in part by means of devices or methods used to stop or interfere with the proper meter of the utility service, the City reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference with the proper meter of the utility service and such bill shall be payable subject to a 24 hour disconnection service.

(17) COMPREHENSIVE CROSS CONNECTION CONTROL PROGRAM.

(Ord #1070 3/1/11)

- (a) The City of Chilton adopts Wisconsin Administrative Rule Comm 82.41 Cross Connection Control Program in its entirety.
- (b) The Director of Public works or his designee is responsible for implementation of the program by the City of Chilton Water Department.

12.02 WATER RATES. (#690 9/6/88)

(1) Public Service Commission of Wisconsin Ruling Docket No. 1100-WR-102 dated, 12-15-03 in its entirety is adopted as rates and rules of the City Water Department as to the service referred to in said docket. Said docket shall be on file at the Office of the City Clerk and at all offices and stations within the City of Chilton.

Revised 3/1/11

(2) WATER SERVICE LATERAL – CONNECTION CHARGE. (#690 9/6/88)

The utility or contracted service will furnish and install the initial water service lateral from the main through the curb stop and box, for which the following charges will be made to the property owner:

¾-inch or 1-inch copper water service - Actual Cost
Larger sized services - Actual Cost

12.03 PRIVATE WELLS.

(1) PURPOSE. (Ord. No. 1093 8/7/12, Ord. No. 983 5/03/05, Ord. No. 676 1/5/88)

Regulation is required to prevent unused, unsafe and non-complying wells from acting as vertical conduits for aquifer contamination or as sources of unsafe water that could enter the public water system through cross connections.

(2) WELL PROHIBITION.

(a) No person shall dig, drill, bore or construct any water well or water supply system within the City where the City's municipal water system is available.

(b) No person shall dig, drill, bore or construct any water well or water supply system where the City's municipal water system is not available within the City without first obtaining a Well Operating Permit from the City.

(3) PERMITTED PRIVATE WELLS.

Only those private wells for which the City has granted a Well Operating Permit shall be permitted to exist. A Permit is valid for up to five years. On or before the 5-year expiration, the Permit must be renewed. Any person who demonstrates a need for continued current use of a private well must have a current Well Operating Permit. A permit is obtainable by the following:

(a) One safe sample shows the water is bacteriologically safe (as defined by DNR rules then in effect);

(b) There are no cross connections between the private water supply system and the City's municipal water system

(c) The private water supply system is found to be safe and in compliance with Chapters NR 810 and 812 of the Wis. Adm. Code

(d) The well and pump system must be evaluated by a licensed well driller or pump installer and certified to comply with Chapter NR 812, sub-chapter IV, prior to issuing the initial permit and no less than every 10 years afterward

(4) ABANDONMENT.

All private wells and water supply systems for which a Well Operating Permit has not been issued or has expired, is found not to comply with Chapters NR 811 or 812, or the water is not bacteriologically safe, shall be abandoned in accordance

Revised 8/7/2012

with Chapter NR 811 by an established date which may not extend beyond one year from the date of connection to the City's municipal water system. The property owner shall pay the cost of abandonment. The well abandonment must be observed by the Director of Public Works or his authorized agent.

(5) INSPECTIONS, REPORTS AND APPLICATIONS.

(a) All inspections shall be done by inspectors qualified to do so under Chapter NR 812.

(b) Reports done in compliance with this ordinance and Chapter NR 812 shall be filed with the City and the DNR.

(c) Applications for a Well Operating Permit shall be available from the Director of Public Works. A fee prescribed by the Director of Public Works shall be paid at the time the application is filed.

(6) COVENANT.

The property owner shall sign a recordable private water well covenant describing the requirement for the use and operation of the private well. The City shall be responsible for recording the agreement and the property owner shall be responsible for payment of the recording fee.

(7) PENALTIES.

Any property owner who violates any provisions of this section shall be subject to forfeiture established in 20.04 of this Municipal Code. Each 24-hour period during which a violation exists shall constitute a separate offense.

12.04 SEWER USE AND WASTEWATER TREATMENT SERVICE RATES (#815 3/5/96)

(1) DEFINITIONS

(a) ACT shall mean the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 U.S.C. 1251, et seq.

(b) APPROVING AUTHORITY shall mean the Director of Public Works and Board of Public Works (or other designated Official) of the City of Chilton, or their duly authorized deputy, agent or representative.

(c) BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

(d) CITY shall mean the City of Chilton.

(e) COMPATIBLE POLLUTANTS shall mean biochemical oxygen demands, suspended solids, pH, fecal coli form bacteria, chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, and fats, oils and greases of animal or vegetable origin.

- (f) COMBINED SEWER shall mean a sewer receiving both surface run-off and sewage.
- (g) CHLORINE REQUIREMENTS shall mean the amount of chlorine, in milligrams per liter, which must be added to sewage to produce specified residual chlorine content in accordance with procedures, set forth in “Standard Methods”.
- (h) EXCESSIVE shall mean in such magnitude that, in the judgment of the Superintendent, 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 Act, can otherwise endanger life, limb or public property, and/or which can constitute a public nuisance.
- (i) GARBAGE shall mean the putrescible organic solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of meat, fish, food, fruit, vegetable, and condemned food.
- (j) GROUND GARBAGE shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particles greater than one-half (1/2) inch in any dimension.
- (k) INCOMPATIBLE POLLUTANT shall mean any pollutant which is not defined as a “Compatible Pollutant” in this section.
- (l) INDUSTRIAL OR COMMERCIAL WASTE shall mean any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial or commercial manufacturing process, trade or business, as distinct from sanitary sewage.
- (m) MAY is permissive; (see “Shall”).
- (n) NATURAL OUTLET shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water.
- (o) PARTS PER MILLION shall be a weight to weight ratio, the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
- (p) PERSON shall mean any and all persons, including any individual, firm, company, municipal or Private Corporation, association, society, institution, enterprise, governmental agency or other entity.
- (q) pH shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in moles per liter.

(r) PHOSPHORUS shall mean total phosphorus, which is all of the chemical element phosphorus present in a sample, regardless of form, expressed as milligrams per liter. Quantitative determination of phosphorus shall be made in accordance with procedures set forth in “Standard Methods”.

(s) PUBLIC SEWER shall mean any sewer provided by or subject to the jurisdiction of the City of Chilton. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharges into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

(t) RECEIVING WATERS shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or sub-surface water receiving discharge of sewage.

(u) REPLACEMENT shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

(v) SANITARY SEWAGE shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system. Sanitary sewage shall have the following characteristics:

1. A BOD of not more than 200 mg/l.
2. A suspended solids content of not more than 240 mg/l.
3. A phosphorus content of not more than 10 mg/l.

(w) SANITARY SEWER shall mean a sewer that conveys sewage, industrial or commercial wastes or a combination, and into which storm, surface and ground waters or unpolluted industrial or commercial wastes are not intentionally admitted.

(x) SANITARY SEWER LATERAL shall mean a pipe or conduit for conveying sewage or any other waste liquids, excluding storm, surface, and ground water drainage, which directly connects an individual source of such sewage or waste to the sanitary sewer.

(y) SERVICE USER shall mean any individual or establishment, which utilizes the sanitary sewer system.

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

(aa) SEWAGE DISPOSAL WORKS shall mean all facilities for collecting, pumping, treating, and disposing of sewage and industrial or commercial waste, and it includes sanitary sewer as well as the Wastewater Treatment Plant.

(bb) SEWER shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground water drainage.

(cc) SEWER SERVICE CHARGE shall mean the total charge levied on users of a treatment works for operation, maintenance, depreciation, and debt retirement.

(dd) SEWERAGE shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial or commercial wastes.

(ee) SHALL is mandatory (See “May”).

(ff) SLUG shall mean any discharge of sewage, industrial or commercial waste which is concentration of any given constituent exceeds more than five (5) times the average twenty-four (24) hour concentration during normal operation, or the discharge of any volume of liquid waste which exceeds in quantity of flow for a period of fifteen (15) minutes or more, the normal 24 hour average discharge.

(gg) STANDARD METHODS shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

(hh) STORM SEWER shall mean a sewer that carries storm, surface and ground water drainage but excludes sewage, industrial and commercial wastes, other than unpolluted cooling water.

(ii) SUPERINTENDENT shall mean the Superintendent of Wastewater Collection and Treatment System of the City of Chilton, or his authorized deputy, agent, or representative.

(jj) STORMWATER RUNOFF shall mean that portion of the rainfall that is drained into the sewers.

(kk) SUSPENDED SOLIDS shall mean solids that either float to the surface of, or are in suspension in, water, sewage, industrial or commercial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods”.

(ll) **USER CHARGE** shall mean a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.

(mm) **WASTEWATER** shall be synonymous with sewage and shall mean the water carried human, animal and household wastes in a public or private drain, and may include ground water infiltration, surface drainage and industrial or commercial wastes.

(nn) **WASTEWATER TREATMENT PLANT (WWTP)** shall mean an assemblage of devices, structures, and equipment for treating sewage and industrial or commercial waste.

(oo) **WPDES PERMIT** shall mean a permit issued by the State of Wisconsin Department of Natural Resources (DNR) pursuant to Section (402(b) of the Act Of Detailing terms and conditions for discharges from the Wastewater Treatment Plant to the receiving waters.

(2) USE OF PUBLIC SEWERS REQUIRED

(a) It shall be unlawful for any person to place, 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.

(b) 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.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(d) The owner of all houses, buildings, or other properties used for human occupancy, employment, recreation, or other purposes, situated with the City and abutting on any street, alley, or right-of-way in which there is now located or may be located in the future a public sanitary sewer of the City, is hereby required at his 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 sixty (60) days after date of official notice to do so.

(e) Whenever permits for new connections to the Wastewater Collection and Treatment System are applied for, the Approving Authority shall determine whether adequate collection and treatment capacities exist in the System to properly accommodate such proposed new connections. If the determination is that either existing collection or treatment capacity in the System is inadequate for properly handling said proposed new connections, then said connections shall be disallowed.

(3) USE OF PUBLIC SEWERS

(a) SANITARY SEWERS. No person shall cause to be discharged any storm water, surface drainage, sub-surface drainage, ground water, roof runoff, cooling water or unpolluted water into any sanitary sewer.

(b) STORM SEWERS. 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 Approving Authority.

Industrial or commercial cooling water or unpolluted process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.

(c) SUMP PUMP CONNECTIONS. A person shall connect their sump pump to a City storm sewer or a fixture installed by the City within sixty (60) days of the City providing such storm sewer or fixture which services such a person's lot.

Where any storm sewer or fixture is presently installed which services a person's lot, then a person shall connect their sump pump to such storm sewer or fixture within sixty (60) days after the passage and publication of this ordinance amendment).

Prior to making such above set forth connection, a person shall obtain the approval of the manner of the connection from the Department of Public Works.

(d) PROHIBITIONS AND LIMITATIONS. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

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

2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving water of the WWTP.

3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the WWTP.

4. Any waters or wastes having a pH in excess of 8.5.

5. 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 sewage works 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 fleshing, entrails, and paper dishes, cups, milk containers, sanitary napkins, disposable diapers, either whole or ground by garbage grinders.

6. No persons shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Approving Authority that such wastes can harm either the sewers or WWTP, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Approving Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in sewers, materials of construction of the sewers, nature of the wastewater treatment process, degree of treat ability of wastes in the WWTP, capacity of the WWTP, and other pertinent.

a. Any liquid or vapor having a temperature higher than 140 ° Fahrenheit (60° Centigrade).

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 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 140 ° Fahrenheit (0 degrees and 60 degrees Centigrade).

c. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the Approving Authority.

d. Any waters or wastes containing iron, chromium, cadmium, nickel, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material discharged in the composite sewage to the sewer exceeds limits established by the Approving Authority for such materials.

e. Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.

- f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with State or Federal Regulations.
- g. Materials which exert or cause:
- (1) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the WWTP.
 - (2) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
 - (3) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller’s earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).
 - (4) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (5) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the WWTP effluent cannot meet the requirements of the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.
 - (6) Any sludge, precipitate or waste resulting from any industrial or commercial treatment or pretreatment of any person’s wastewater or air pollutants or any waste which would result in a violation of the City’s WPDES Permit.
- h. Any substances prohibited under Title 40, Part 403, of the Code of Federal Regulations.
- i. Toxics prohibited by Section 307A of the Clean Water Act.
- j. Quantitative limitations of discharge may be placed on BOD, suspended solids, and phosphorus. Rates of discharge shall be controlled at the sources to prevent slugs from entering the system. The pH of wastes entering the sewerage system shall be within the limits previously specified in this Chapter.
- (e) 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 grease in

excessive amounts or any flammable wastes, and/or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type readily accessible for cleaning and inspection.

(f) NEW WATER SOFTENER REQUIREMENTS

All new residential water softeners installed after July 1, 2007 shall be subject to the following:

1. The softener shall have DIR (demand initiated regeneration) controls and shall meet the "High Efficiency Softener" standards of the Water Quality Association which are 3350 grains hardness removed per one pound of salt.
2. The owner shall have the softener inspected every five years by a qualified technician.
3. A copy of said inspection report shall be forwarded to the City of Chilton Wastewater Department.

(4) CONTROL OF INDUSTRIAL OR COMMERCIAL WASTES DIRECTED TO PUBLIC SEWERS

(a) PURPOSE AND POLICY. This section sets forth uniform requirements for dischargers into the WWTP wastewater collection and treatment system and enables the City to meet their WPDES permit requirements.

The objectives of this section are:

1. To prevent the introduction of pollutants into the City wastewater system this will interfere with the normal operation of the system or contaminate the municipal sludge.
2. To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the WWTP, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system.
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

This section provides for the regulation of discharges into the Chilton Wastewater system from industrial or commercial sewer users and other users, which may have pollutants of such concentration that exceed limits.

(b) SUBMISSION OF BASIC DATA. Within three (3) months after passage of this ordinance and each six (6) months thereafter, each person who discharges industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the sewage disposal works as required by the Wisconsin Department of Natural Resources and the municipality shall furnish such forms necessary to be completed.

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

(c) EXTENSION OF TIME. When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by Section 12.04(4) (a) a request for extension of time may be presented for consideration of the Approving Authority.

(d) INDUSTRIAL OR COMMERCIAL 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 characteristics enumerated in Sec. 12.04(2) and which in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life health, or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge.

The Approving Authority shall also require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 12.04(6).

(e) CONTROL MANHOLES. Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage. Each person discharging commercial wastes into a public sewer shall be subject to construct and maintain one or more control manholes or access points to facilitate installation of a control manhole.

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 person discharging the waste, at his expense and shall be maintained by him so as to be in safe condition, accessible and in proper operating condition at all times.

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.

(f) MEASUREMENT OF FLOW. The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person shown in the records of meter readings maintained by the City Water Department.

(g) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation such meters may not be removed without the consent of the Approving Authority.

(h) PROVISION FOR DEDUCTIONS. In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 10% of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the Approving Authority and the person.

(i) WASTE SAMPLING. Industrial or commercial waste discharges into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made by the Industry as often as may be deemed necessary by the Approving Authority.

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

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

The following substances shall be tested semi-annually by the industrial or commercial sewer users selected by the Approving Authority:

Arsenic	Chromium	Selenium
Cadmium	Lead	Silver
Copper	Mercury	Zinc
Cyanide	Nickel	Total Oil & Grease
pH	Chloride	

The Approving Authority reserves the right to increase or decrease the list of substances tested.

The Approving Authority shall require immediate re-sampling of discharges that have a mercury concentration that exceed the method detection limit (MDL). The MDL for mercury is 0.0002 mg/l. The discharger shall be responsible for the costs of the testing and shall identify action to be taken to reduce the discharge if the concentration determined in the retest is above the MDL.

(j) **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 sewage disposal 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.

(k) **ANALYSIS.** Laboratory procedures used in the examination of industrial or commercial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analysis of industrial or commercial wastes may be used subject to mutual agreement between the Approving Authority and the person.

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

(l) **SUBMISSION OF INFORMATION.** Plans, specifications and any other pertinent information relating to proposed preliminary treatment 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.

(m) **ACCIDENTAL DISCHARGE.** The accidental discharge of any prohibited waste into any sewer shall be reported to the Superintendent 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.

(n) **INCOMPATIBLE POLLUTANTS.** Major contributing industrial or commercial users discharging incompatible pollutants, other than those constituents previously described in this Ordinance which are strictly prohibited from being discharged into the sewerage system, shall reduce their incompatible

pollutional load to effluent levels attainable through the application of the best practicable control technology currently available as defined in Section 304(b) of the Act. All persons discharging or proposing to discharge any toxic pollutant as defined by Section 307(a)(1) of the Act, shall apply for permission of such discharge from the Approving Authority. Attainment of allowed concentrations by dilution will not be allowed as a means to meet discharge standards.

(o) **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 or commercial 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.

(p) **RESTRICTED INFORMATION.** Information and data furnished to the WWTP with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restrictions unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portion of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the WPDES Permit, and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceeding involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a 30-day notification is given to the discharger.

(q) **SPECIFIC POLLUTANT LIMITATIONS.** The following pollutant limitations are the maximum concentrations acceptable for discharges to the WWTP not included under mass limits:

0.5 mg/l arsenic	0.002 mg/l mercury (T)
0.5 mg/l cadmium (T)	1.7 mg/l nickel (T)
1.5 mg/l copper (T)	0.5 mg/l selenium (T)
0.25 mg/l cyanide (T)	0.5 mg/l silver (T)
0.7 mg/l chromium (T)	2.75 mg/l zinc (T)

(r) **LOCAL REQUIREMENTS.** Local requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations.

(s) **RIGHT OF REVISION.** The City reserves the right to amend this Chapter to provide for more stringent limitations or requirements on discharges to the WWTP where deemed necessary to comply with the objectives set forth in this Chapter.

(t) **DILUTION.** No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Chapter.

(u) **MASS LIMITS.** The WWTP may impose mass limitations on industrial or commercial users where that imposition of mass limitations is appropriate.

The mass loadings for lead and zinc are allocated to each industry as follows:

<u>Industry</u>	<u>Toxic Substance</u>	<u>Mass Limit</u>
Chilton Plating	Zinc	0.75 ppd
Worthington Cylinders	Lead	0.22 ppd
	Zinc	0.68 ppd
American Finishing Resources LLC	Lead	0.07 ppd
	Zinc	0.23 ppd

(v) **ACCIDENTAL DISCHARGES.**

1. General

In addition to the provisions listed in Section 12.05(4) (m), each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances as established by this Chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger’s expense. All industrial or commercial users shall notify WWTP immediately of all discharges that could cause problems for the WWTP, including any slug loadings by the industrial or commercial user.

Signs shall be permanently posted in conspicuous places on the discharger’s premises advising employees whom to call in the event of an accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

The WWTP will evaluate at least once every two years whether each significant industrial or commercial user needs a plan to control slug discharges. If the WWTP determines that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- a. A description of discharge practices, including non-routine batch discharges.
- b. A description of stored chemicals.
- c. Procedures for immediately notifying the WWTP of slug discharges, including any discharge that would violate a prohibition under this Chapter, with procedures for follow-up written notification within five (5) days;
- d. The necessary procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

2. Notification of Non-Compliance

If sampling performed by an industrial or commercial user indicates a violation, the user shall notify the WWTP within 24 hours of becoming aware of the violation. The user shall also repeat analysis of the substance and report to the WWTP within thirty (30) days after becoming aware of the violation. The industrial or commercial user is not required to resample if the WWTP performs sampling at the industrial or commercial user's at least once a month, or if the WWTP performs sampling between the industrial or commercial user's initial sampling and when the industrial user received the results of this sampling.

3. Notification of Hazardous Waste Discharge

Each industrial or commercial user shall notify the WWTP, the EPA Region V Waste Management Division Director, and the DNR Bureau of Solid Waste Management in writing of any discharge into the WWTP/s treatment system of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial or commercial user discharges more than 100 kilograms of such waste per calendar month to the WWTP, the notification shall also contain the following information to the extent such information is known and readily available to the industrial or commercial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

All notifications must take place no later than 180 days after the discharge commences.

Discharges are exempt from the hazardous waste notification requirements during a calendar month in which they discharge 15 kilograms or less of nonacute hazardous wastes Discharge or any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification.

(w) FEES.

1. Purpose

It is the purpose of this Section to provide for the recovery of costs from the users of the City's WWTP for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's Schedule of Charges and Fees, to be prepared from time to time by the Superintendent and approved by the City Council.

2. Charges and Fees

The City shall adopt charges and fees, which include:

a. **INDUSTRIAL OR COMMERCIAL WASTEWATER DISCHARGE FEE.** This fee shall be charged to any industrial or commercial discharger, which is required to monitor their wastewater discharge.

b. **SAMPLING CHARGE.** This charge shall be charged to industrial or commercial dischargers for the sampling of their wastewater employing City equipment and manpower. Only those costs associated with wastewater sampling that are incurred by the City will be charged to the user.

c. **LABORATORY ANALYSIS CHARGE.** This charge shall be charged to an industrial or commercial discharger for each pollutant sample which is analyzed. The charge for the laboratory analyses shall be determined by the organization doing the testing.

d. Additional costs which may be incurred by and charged to an industrial or commercial discharger include the following:

(1) Fees for filing appeals.

(2) Fees for consistent removal (by the City) of pollutants otherwise subject to categorical pretreatment standards.

(3) Other fees as the City may deem necessary to carry out the requirements contained herein.

(x) **CHANGE IN OPERATIONS.** All industrial or commercial users shall promptly notify the WWTP in advance of any change in its industrial or commercial operations which may have an effect upon the waste and wastewaters

generated or any substantial change in the volume or character of pollutants in their discharge. A substantial change in the volume or character of pollutants discharged shall mean any discharge which exceeds 1.2 times the average twenty-four (24) hour concentration or flow for a period greater than seven (7) days.

(y) ENFORCEMENT. When the Superintendent determines that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the WWTP, violates any pretreatment limits imposed by this Chapter, the Superintendent may for good cause shown suspend the wastewater treatment service to the discharger. Any discharger notified of the suspension of wastewater treatment service shall, within a reasonable period of time, as determined by the Superintendent, cease all discharges. In the event of failure of the discharger to comply voluntarily with the suspension order within the specified time, the Superintendent shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Superintendent shall reinstate the wastewater treatment service and terminate judicial proceedings pending proof by the discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

(z) RIGHT OF APPEAL. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this Chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this Chapter or deals with a wastewater discharger permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stall all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this Chapter may be taken in accordance with local and state law.

(aa) OPERATING UPSETS OR SLUGS OR ACCIDENTAL DISCHARGES. Any discharger which experiences a slug or accidental discharge or experiences an upset in operations which places the discharger in a temporary state of noncompliance with this Chapter shall inform the Superintendent thereof immediately upon first awareness of the commencement of the slug, accidental discharge or upset. Early notification may enable countermeasures to be taken by the Superintendent to minimize damage to the WWTP and receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions. The City may choose to take immediate enforcement action. Within five days following an accidental discharge, the discharger shall submit to the Superintendent a detailed written report. The report shall specify:

1. Description and cause of the upset, slug or accidental discharge, the cause thereof, and the impact on the dischargers' compliance status. The

description should also include location of discharge, type, concentration, and volume of waste.

2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of noncompliance.

Such notification shall not relieve the discharger of any expense, loss, damage, or Other liability, which may be incurred as a result of damage to the WWTP, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law. After receipt and review of the written report, the City may choose to take no further action or to take action.

(bb) **PRETREATMENT COMPLIANCE SCHEDULE.** In the event additional pretreatment and/or implementation of additional operational and maintenance activities are required to comply with applicable limitations, the person discharging industrial or commercial waste shall submit to the WWTP the shortest compliance schedule that will be performed to achieve compliance of the violation(s). The compliance schedule shall, in no case, extend past 12 months after passage of this ordinance. The schedule shall contain milestone dates for the commencement and completion of major events leading to compliance with the applicable limitations. The schedule shall also include, but not be limited to, dates relating to hiring an Engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, DNR approval of reviewable treatment system specifications, executing a contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with applicable limitations. Compliance schedule progress reports shall be submitted by the person discharging industrial or commercial waste to the Superintendent no later than 14 days following each milestone date in the schedule and the final date for compliance. The progress reports at a minimum shall include a statement as to whether or not the discharger complied with the increment of the progress represented by that milestone date and, if not, the date when compliance with the increment of progress will occur, the reason for delay, and the steps being taken to return to the timetable of the approved schedule.

(5) **BASIS FOR SERVICE CHARGES**

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

(b) SEWER USERS SERVED BY PRIVATE WELLS. If any person discharging sewage into the public sanitary sewer system procures any part, or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed the water meters will not be required. The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

The water utility will charge for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewerage service charge is billed. The rental charge for water meters are set at the following established rates that are determined from time to time by the Wisconsin Public Service Commission and adopted by the Common Council.

(6) AMOUNT OF SERVICE CHARGES

(a) Charges and rates shall be established from time to time in resolution format approved by the Common Council.

The industrial or commercial charges shall be computed in accordance with the formula presented below:

$$C = (V+Cy) + \{(B-200) \times V \times CB \times 0.00834\} + \{(S-240) \times V \times CS \times 0.00834\} + \{(P-10) \times V \times CP \times 0.00834\} + \{(A-25) \times V \times CA \times 0.834\}$$

Where:

C = Charge to industry for collecting and treating volume, BOD, Suspended solids and phosphorus.

V = Wastewater volume in thousands of gallons per billing period.

B = Concentration of BOD in milligrams per liter (mg/l) in the Industrial or Commercial wastewater.

CB = Cost per pound of BOD

S = Concentration of suspended solids in milligrams per liter (mg/l) in the industrial or commercial wastewater.

CS = Cost per pound of suspended solids.

P = Concentration of phosphorus in milligrams per liter (mg/l) in the industrial or commercial wastewater.

CP = Cost per pound of phosphorus.

CA = Cost per pound of ammonia.

0.00834 = Conversion factor.

A = Concentration of ammonia in milligrams per liter (mg/l) in the industrial or commercial wastewater.

CA – Cost per lb. Of ammonia

(7) BILLING PRACTICE

(a) **BILLING PERIOD.** Sewerage Service charges shall be billed separately from the water bill and on a quarterly basis.

(b) **PAYMENT.** Sewerage service charges shall be payable by 20 days after the billing date at the City Clerk's Office.

(c) **PENALTIES.** All charges levied in accordance with the ordinance shall be a debt due to the City and shall be a lien upon the property pursuant to Sec. 66.0821, Wisconsin Statutes. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the City against the property owner, the person, or both.

In the event of failure to pay sewer service or surcharges after they become delinquent, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purpose.

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.

Sewer service shall not be restored until all charges, including the Expense of removal, closing and restoration, shall have been paid.

Change of ownership or occupancy of premises found delinquent Shall not be cause for reducing or eliminating these penalties.

(8) RIGHT OF ENTRY SAFETY AND IDENTIFICATION

(a) **RIGHT OF ENTRY.** Director of Public Works, or other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, and/or testing, all in accordance with the provisions of this ordinance and Sec. 196.171 Wisconsin Statutes. The Public Works Director or other duly authorized employee of the City

shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(b) **SAFETY.** While performing the necessary work on private premises referred to in Section 12.05 (8)(a), the duly authorized City employees shall observe all safety rules applicable to the premises established by the company and the City shall indemnify the company 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 company and growing out of gauging and sampling operation, and indemnify the company against loss, or damage to its property by City employees; except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 12.05(4)(e).

(c) **IDENTIFICATION AND RIGHT TO ENTER EASEMENTS.** The Director of Public Works and other duly authorized employees of the City and the WDNR upon bearing proper credentials and identification shall be permitted to enter all private properties through 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.

(9) SEWER CONSTRUCTION

(a) **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

(b) **COST OF SEWER CONNECTION.** All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(d) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in 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.

(e) **BUILDING SEWER GRADE.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(f) **STORM AND GROUND WATER 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.

(g) **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.

(h) **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.

(i) **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.

(10) DAMAGE OR TAMPERING WITH SEWAGE WORKS

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 works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

(11) VIOLATIONS AND PENALTIES

(a) **WRITTEN NOTICE OF VIOLATION.** Any person found to be violating any provision of this Ordinance, except Section 12.05 (7)(b) shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, Permanently cease all violations.

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

(c) LIABILITY TO CITY FOR LOSSES. Any person violating any provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation which the City may suffer as a result thereof.

(12) VALIDITY

(a) REPEAL OF CONFLICTING ORDINANCE. All ordinances or parts of ordinances or regulations or parts of regulations in conflict with this ordinance are hereby repealed.

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

(13) AUDIT AND DISPOSITION OF FUNDS

(a) ANNUAL AUDIT. The City shall conduct an annual audit, the purpose of which shall be to re-establish the equity and adequacy of the user charges relative to changes in system operation and maintenance costs.

(b) REPLACEMENT FUND. Those portions of the user charges designated for "Replacement" as defined herein shall be deposited in a separate account and used only for that purpose.

12.05 PENALTY.

Any person who shall violate any provision of this ordinance shall be subject to a penalty as provided in Section 20.04 of this code.