

AN ORDINANCE AMENDING CHAPTER 16.14

1. The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 16.14 is hereby amended to read as follows:

CHAPTER 16.14 - SEWER USE CHARGES

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ARTICLE I. - GENERAL PROVISIONS

16.14.005 - Authority.

This Chapter is adopted under authority granted by Section 66.035 and Section 66.076, Wisconsin Statutes, and Chapter 16.12 of City of Whitewater Regulations.

16.14.010 - Short Title.

The ordinance codified in this Chapter shall be known as, referred to or cited as the “user charge and sewer use ordinance for the City of Whitewater, State of Wisconsin,” and hereinafter referred to as “Chapter.”

16.14.015 - Findings and Declaration of Policy.

The Common Council finds that the requirements for the issuance of federal grants and the acceptance of such grants by the City under Title II of the Federal Water Pollution Control Act Amendments of 1972, as amended (Public Law 92-500, as amended), and the regulations of the U.S. Environmental Protection Agency, as promulgated in the February 11, 1974, Federal Register, Volume 39, Number 39, Part III, for the construction of waste treatment works to improve the City of Whitewater, establish:

1. The necessity of adopting a user charge system that would be proportionate to all classes of users and produce the revenue required to sustain the sewage collection and waste treatment system;
2. The necessity of enacting regulations that control the use and inflow into waste treatment works.

The City shall maintain all records necessary to document and assure compliance with Title 40 CFR (Code of Federal Regulations) 35 subpart E and the Clean Water Fund (Wisconsin Administrative Code NR 162) as they apply to the requirements of the user charge system.

16.14.020 - Purpose and Intent.

The purpose of the Chapter is to promote the public health, safety, prosperity, aesthetics, and general welfare of the citizens of the City and is designed to provide the legislative enactments required under Clean Water Act Public Law 92-500, as amended, and applicable federal regulations for the acceptance of construction grants to improve the quality of effluent discharges

from waste treatment works. It is further intended to provide for administration and enforcement of the Chapter and to provide penalties for its violations.

16.14.025 - Effective Date of Ordinance.

The ordinance codified in this Chapter shall become effective after adoption by the Common Council of the City and publication or posting as provided by law.

ARTICLE II. - DEFINITIONS

16.14.030 - Generally.

For the purpose of this Chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and plural number includes the singular number. The word “shall” is mandatory and not directory, while the word “may” is permissive.

16.14.035 - Accrued Reserves.

“Accrued reserves” means a method of keeping accounts of the segregated resources over several years to determine the funds available to offset capital expenditures to maintain an ongoing, on-line waste treatment facility.

16.14.040 - Act.

“Act” means the Federal Water Pollution Control Act Amendments of 1972, as amended, Clean Water Act Public Law 92-500, as amended, 33 U.S.C. Section 1251 et seq. (Supp. IV, 1974).

16.14.045 - Administrator.

“Administrator” means the Regional Administrator of Region V of the U.S. Environmental Protection Agency.

16.14.046 - Amalgam Separator.

“Amalgam separator” means a device designed to remove waste amalgam (an alloy of mercury used in dental fillings) from rinse water in the vacuum lines of dental offices. Used to capture scrap amalgam too fine to be removed by a trap or screen.

16.14.047 - Ammonia Nitrogen.

“Ammonia nitrogen” means the quantity of ammonia nitrogen expressed in milligrams per liter (mg/l) as analyzed according to analytical methods described in Wisconsin Administrative Code NR 219. Ammonia nitrogen is naturally present in wastewater. Ammonia nitrogen is produced largely by deamination of organic nitrogen containing compounds and by hydrolysis of urea.

16.14.050 - Audit.

“Audit” means an audit as a separate report from other funds and shall cover the following:

- 1) Financial operations are properly conducted;
- 2) Financial reports are presented fairly;
- 3) Applicable laws and regulations have been complied with;
- 4) Resources are managed and used in an economical and efficient manner; and
- 5) Desired results and objectives are being achieved in a financially effective manner.

16.14.055 - Authorized Expenditures.

“Authorized expenditures” means those expenditures authorized by the City and made payable from the accounts kept for the expenditures of the user charge and industrial cost recovery systems. Expenditures from the reserve funds shall be limited to those for which the fund was created.

16.14.056 - Reserved.

16.14.057 - Reserved.

16.14.060 - Billable Biochemical Oxygen Demand (BOD).

“Billable biochemical oxygen demand (BOD)” means a user’s loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the City Manager or the appointee. Minimum waste strength of BOD shall be the domestic waste concentration of three hundred milligrams per liter for the purpose of billing for user charges.

16.14.065 - Billable Flow.

“Billable flow” means a user’s recorded water usage as metered by the appropriate water utility, plus metered water from wells and other sources, and less any sewer exempt metered data, times the City approved percentage factor for wastewater entering the sewer system out of the metered water. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.

16.14.070 - Billable Total Suspended Solids (TSS).

“Billable total suspended solids (TSS)” means a user’s loading in pounds of TSS calculated using the billable flow and concentration of TSS in the waste as determined by the City. Minimum waste strength of TSS shall be the domestic waste concentration of three hundred (300) milligrams per liter for the purpose of billing for user charges.

16.14.075 - Biochemical Oxygen Demand (BOD).

“Biochemical oxygen demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in milligrams per liter or pounds. Quantitative determination of BOD shall be made in accordance with 40 CFR Part 136, or as EPA otherwise determines.

16.14.080 - Building Drain, Sanitary.

“Sanitary building drain” means that part of the lowest horizontal piping of a drainage system which receives sanitary or industrial sewage only and is located inside the walls of a building and conveys the sewage to the building sewer, which begins outside of the foundation wall of any building.

16.14.085 - Building Drain, Storm.

“Storm building drain” means that part of the lowest horizontal piping of a drainage system which receives stormwater or other clearwater discharge, but receives no wastewater from sewage or other drainage pipes.

16.14.090 - Building Sewer, Sanitary.

“Sanitary building sewer” shall mean a sanitary sewer which begins at the outside of the foundation wall of any building or structure being served, and ends at the public sewer or interceptor, including the connection device This is also known as a house connection.

16.14.095 – Building Sewer, Storm.

“Storm building sewer” means the extension from the building drain to the public storm sewer or other place of disposal and conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage. This is also known as a house connection.

16.14.097 – Carbonaceous Biochemical Oxygen Demand (CBOD) Building Sewer, Storm.

“Carbonaceous Biochemical Oxygen Demand (CBOD)” shall mean the quantity of oxygen used in the biochemical degradation of organic material in five (5) days at 20°C when the oxidation of reduced forms of nitrogen is prevented by the addition of an inhibitor. This analytical procedure shall be performed in accordance with 40 CFR Part 136, or as EPA otherwise determines.

16.14.100 - Classes of Users.

“Classes of users” means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, industrial, or governmental.

16.14.105 - Collection sewer.

“Collection sewer” means a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

16.14.115 – Combined Sewer.

“Combined sewer” shall mean a sewer designed to receive or receiving both wastewater and storm or surface water, and are prohibited.

16.14.125 - Compatible Pollutant.

“Compatible pollutant” shall mean biochemical oxygen demand, suspended solids, pH, or fecal Coliform bacteria, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit issued to the City for its wastewater treatment facility, provided that said wastewater treatment facility was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

16.14.130 - Deposited.

“Deposited” means placing funds in control of the Common Council of the City and, if said deposit is in the form of a bank check, deposit shall not be deemed collected within this definition until the applicable rules of the bank’s collection procedures are fulfilled.

16.14.135 - Depreciation.

“Depreciation” means an annual operating cost reflecting capital consumption and obsolescence (reduction of future service potential) of real and personal properties.

16.14.140 - Dissolved Solids.

“Dissolved solids” means that concentration of matter in the sewage consisting of colloidal particulate matter one micron in diameter or less, and both organic and inorganic molecules and ions present in solution.

16.14.145 - Domestic Level User or Residential User.

“Domestic level user or residential user” means, for the purpose of the user charge system, a user whose premises or building is used primarily as a domicile for one (1) or more persons and whose wastes originate from the normal living activities of its inhabitants.

16.14.150 - Easement.

“Easement” means an acquired legal right, less than fee simple, for the specific use of land owned by others.

16.14.155 - Fecal Coliform.

“Fecal coliform” means any number of organisms common to the intestinal tract of man and animals whose presence in sanitary sewage is an indicator of pollution.

16.14.158 – Federal Act.

“Federal Act” shall mean the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1251 et. seq., as amended, known as the Clean Water Act or as implemented by Wis. Stat. Chapters 281 and 283, or appropriate sections of the Wisconsin Administrative Code adopted pursuant to Chapters 281 and 283, as well as any applicable guidelines, limitations and standards promulgated by the United States Environmental Protection Agency pursuant to the Federal Act.

16.14.160 - Floatable Oil.

“Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

16.14.163 – Flow Proportional Sample.

“Flow Proportional Sample or Composite Sample” shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said waste.

16.14.165 - Force Main.

“Force main” means a pipe in which wastewater is carried under pressure.

16.14.170 - Functional Betterment.

“Functional betterment” means a process improvement in the increased size facilities or a process improvement in existing facilities that is directly anticipated to preclude physical betterments or is an indirect improvement to the process as a result of renewal on a cost effective basis.

16.14.175 - Functional Obsolescence.

“Functional obsolescence” means the process deficiency of a functional element of a plant beyond the capacity of a preventive maintenance program to such extent that a new process device or piece of equipment would be more cost effective.

16.14.180 - Garbage.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage, and sale of produce.

16.14.181 – Good Working Condition.

“Good Working Condition” shall mean capable of performing the task for which it was designed.

16.14.183 - Grease Interceptor.

“Grease interceptor,” also referred to as “grease trap,” means a receptacle designed to reduce, retain and/or remove greases, oils and fatty substances prior to discharge into the public sanitary sewerage system. Grease interceptors can be located on the interior or exterior of a building dependent on individual requirements.

16.14.184 – Holding Tank Waste.

“Holding Tank Waste” shall mean the scum, liquid, sludge or other waste from holding tanks such as, campers, trailers, privies and other temporary holding facilities. The term does not include septage waste or grease trap waste.

16.14.185 - Incompatible Pollutant.

“Incompatible pollutant” means any nontreatable waste product including nonbiodegradable dissolved solids.

16.14.195 - Industrial User.

“Industrial user” means, for the purpose of the user charge system, a manufacturing or processing facility which is engaged in a production or profitmaking venture.

16.14.200 - Infiltration.

“Infiltration” means the water unintentionally entering the public sewer system, including sanitary building drains and 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.

16.14.205 - Infiltration/Inflow.

“Infiltration/inflow” means the total quantity of water from both infiltration and inflow without distinguishing the source.

16.14.210 - Inflow.

“Inflow” means the water discharge into a sanitary sewer system, including building drains and 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/or combined sewers; catch basins; stormwaters; surface runoff; street wash waters or drainage. Inflow does not include and is distinguishable from infiltration.

16.14.215 - Interceptor Sewer.

“Interceptor sewer” means a sewer whose primary purpose is to transport wastewater from collection sewers to a treatment facility.

16.14.217 – National Categorical Pretreatment Standards.

“National Categorical Pretreatment Standards” shall mean any regulation or order containing pollutant discharge limitations as promulgated by the U. S. Environmental Protection Agency in accordance with Section 307(b) and (c) of the Federal Act, which limitations apply to one or more specific categories of Industrial Users.

16.14.220 - National Pollutant Discharge Elimination Permit.

“National Pollutant Discharge Elimination permit” means a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of Public Law 92-500 Clean Water Act, as amended.

16.14.225 - Natural Outlet.

“Natural outlet” means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

16.14.230 - Normal Domestic Strength Sewage.

“Normal domestic strength sewage,” as defined for the purposes of the Chapter, means wastewater or sewage having an average daily suspended solids (SS) concentration of not more than 300 milligrams per liter, an average daily biochemical oxygen demand (BOD) concentration of not more than 300 milligrams per liter, a total phosphorous concentration of not more than 12 milligrams per liter, and an ammonia nitrogen concentration of not more than 30 milligrams per liter.

16.14.232 – On-Site Plumbing System Maintenance.

“On-Site Plumbing System Maintenance.” The on-site plumbing system for commercial and multi-unit residential properties shall be maintained by, and at the expense of the property owner; including cleaning of the system due to grease related discharges.

16.14.235 - Operation and Maintenance Costs.

“Operation and maintenance costs” includes all costs, direct and indirect, including debt service and inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to ensure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

16.14.240 - Person.

“Person” means any individual, firm, company, association, society, corporation, or group discharging any wastewater to the wastewater treatment facility.

16.14.245 - Personal Property.

“Personal property” means, for the purpose of the user charge system, all equipment owned by the City, and used in the transport and treatment of sewage. Such equipment must be mechanical, electronic or electrical or have movable parts.

16.14.250 - pH.

“pH” means the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

16.14.252 - Phosphorous, Total.

“Total phosphorous” means the quantity of phosphorous expressed in milligrams per liter (mg/l) as analyzed according to analytical methods described in Wisconsin Administrative Code NR 219. Phosphorous is a naturally occurring nutrient and is essential to the growth of organisms.

16.14.255 - Physical Betterment.

“Physical betterment” means the expansion of a physical facility to increase capacity of the treatment works.

16.14.260 - Physical Obsolescence.

“Physical obsolescence” means the material deficiency of a functional element of a treatment plant to a point that repair as normal or preventive maintenance is not cost-benefit effective.

16.14.265 - Pretreatment.

“Pretreatment” shall mean the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature or characteristics of the pollutant properties of the wastewater of a user prior to or in lieu of discharge to a public sewerage system.

16.14.270 - Private Sewer Main.

“Private sewer main” means a sewer which is not owned or maintained by the City.

16.14.275 - Public Sewer Main.

“Public sewer main” means a sewer which is owned and controlled by the City and is separate from and does not include sewers owned by other governmental units.

16.14.277 - Public Sewerage System.

Public Sewerage System shall mean all structures, appurtenances, conduits and pipelines by which wastewater is collected and disposed of, including the wastewater treatment works, excepting plumbing inside of and in connection with buildings and properties served, and excepting building sewers.

16.14.280 - Pumping Station.

“Pumping station” also known as “Lift station” means a station positioned in the public sewer system at which wastewater is pumped to a higher level.

16.14.285 - Real Property.

“Real property” means, for the purpose of the user charge, all fixed physical facilities owned by the City and used in the transport and treatment of sewage which do not have movable parts, such as buildings, tanks, sewers, structures and the like.

16.14.287 – Representative Sample.

“Representative Sample” shall mean a sample of the appropriate wastewater stream collected using 24-hour flow proportional composite sampling techniques where feasible.

16.14.290 - Renewal Costs.

“Renewal costs” means the expenditures from reserve funds or other funds to overcome physical and/or functional consumption of plant capacity or function or obsolescence of same, in order that the equivalent in function of the plant is present at the end of the anticipated useful life.

16.14.295 - Replacement Costs.

“Replacement costs” means the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance costs,” as defined in Section 16.14.235, includes replacement costs.

16.14.300 - Replacement Reserve.

“Replacement reserve” means an account for the segregation of resources to meet capital consumption of personal or real property.

16.14.307 - Sand Interceptor.

“Sand interceptor” means a receptacle designed to intercept and retain sand, grit, earth and other similar solids prior to discharge into the public sanitary sewerage system. Often termed a car wash interceptor.

16.14.309 – Sanitary Lateral Sewer.

“Sanitary Lateral Sewer” shall mean a sanitary sewer which begins at the outside of the foundation wall of any building or structure being served, and ends at the public sewer or interceptor, including the connection device. This is also known as a house connection.

16.14.310 - Sanitary Sewer.

“Sanitary sewer” means a sewer which carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface, and ground water are not intentionally admitted.

16.14.315 - Sewage.

- a) “Sewage” means the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.
- b) “Sanitary sewage” means the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
- c) “Industrial sewage” means a combination of liquid and water-carried wastes discharged from any trade or process carried on in that establishment and includes the wastes from pretreatment facilities and polluted cooling water.
- d) “Combined sewage” means a combination of both wastewater and storm or surface water.

16.14.320 - Shredded Garbage.

“Shredded garbage,” also known as waste from a garbage disposal, is garbage that has 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 one-half inch (1.25 centimeters) in any dimension.

16.14.325 - Significant Industry.

“Significant industry” means any industry that will contribute greater than ten percent (10%) of the design flow and/or design pollutant loading of the treatment works.

16.14.330 - Slug.

“Slug” means any discharge of water or wastewater in concentration of any given constituent or in any quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the allowable concentration or flows during a normal working day (i.e., one-, two- or three-shift operations) and shall adversely affect the collection system and/or performance of the wastewater treatment works.

16.14.335 - Standard Methods.

“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” as prepared, approved and published jointly by the American Public Health Association, American Water Works Association, and the Water Environment Federation and is in compliance with Federal Regulations 40 CFR 136, “Guidelines Establishing Test Procedures for the Analysis of Pollutants,” all as amended from time to time.

16.14.340 - Storm Sewer.

“Storm sewer” means a sewer that carries only stormwaters, surface runoff, street wash and drainage and to which sanitary and/or industrial wastes are not intentionally admitted.

16.14.350 - Suspended Solids (SS) or Total Suspended Solids (TSS).

“Suspended solids (SS)” or “total suspended solids (TSS)” shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in 40 CFR Part 136, or as EPA otherwise determines, enumerated in Section 16.14.335.

16.14.355 - Total Solids.

“Total solids” means the sum of suspended and dissolved solids.

16.14.360 - Toxic Amount.

“Toxic amount” means concentration of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Clean Water Act Section 307(a) of Public Law 92-500, as amended.

16.14.363 – Total Kjeldahl Nitrogen (TKN).

“Total Kjeldahl Nitrogen (TKN)” shall mean the quantity of organic nitrogen and ammonia as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

16.14.364 – Total Phosphorus (TP).

“Total Phosphorus (TP)” shall mean the quantity of total phosphorus as determined in accordance with 40 CFR Part 136, or as EPA otherwise determines.

16.14.365 - Unpolluted Water.

“Unpolluted water” is water of a quality equal to or better than the effluent criteria in effect, or water that is of sufficient quality that it would not be in violation of federal or state water quality standards if such water were discharged into navigable waters of the state. Unpolluted water would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

16.14.370 - Useful Life.

“Useful life” means the anticipated term in years of physical and/or functional productivity of elements and/or the whole of the wastewater treatment system which can be reevaluated as a result of preventive maintenance, renewal which offsets physical and/or functional obsolescence, renewal of capital elements due to consumption, and physical and/or functional betterments, direct or indirect.

16.14.375 - User Charge System.

“User charge system” means the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

16.14.380 - Volatile Organic Matter.

“Volatile organic matter” means the material in the sewage solids transformed to gases or vapors when heated at five hundred degrees centigrade for fifteen minutes.

16.14.385 - Wastewater Treatment Works.

“Wastewater treatment works” means the structures, equipment and processes required to collect, transport and treat domestic and industrial wastes, and to dispose of the effluent and accumulated residual solids.

16.14.390 - Watercourse.

“Watercourse” means a natural or artificial channel for the passage of water, either continuously or intermittently.

16.14.395 - Waterworks.

“Waterworks” means all facilities for water supply, treatment, storage, reservoirs, water lines, and services and booster stations for obtaining, treating, and distributing potable water.

ARTICLE III. - REVENUES

16.14.400 - Establishment of Revenue System.

- a) A user charge shall be assessed to all users by the City in accordance with the provisions of this Chapter.
- b) Ad valorem taxes and unit charges levied by ordinance for the operation, maintenance and replacement of City sewers and sewage works are repealed.
- c) The City shall, under applicable statutes of the state and City ordinances, have the ability to issue revenue bonds for the replacement and new construction of the works of the system.

16.14.405 - User Charge System - Budget and Appropriation.

The City Manager shall annually prepare a budget estimating revenues and expenses for the operation of the sewer utility system. This budget shall be presented to the Common Council for review and approval each year. If the approved budget requires a change in the user charges, the rate changes will be accomplished in the form of a resolution adopted by the Common Council. The Common Council may revise the budget or user charges at other times as necessary.

16.14.410 - User Charge System - Operation and Maintenance Charges.

- a) Operation and maintenance costs may be separated at the City’s discretion in accordance with their applicability to flow, BOD, TSS, ammonia nitrogen, phosphorous and customer-related. The percentage breakdown shall be reviewed each year by the City Manager and approved by the Common Council.
- b) Operation and maintenance costs for flow, BOD, TSS, phosphorous and ammonia nitrogen are totaled for each year. The unit charges for each are totaled for each year. The unit charges for each are obtained by dividing the total costs by the total billable flow in thousands of

gallons, billable pounds of BOD, TSS, phosphorous and ammonia nitrogen. The monitoring unit charge is obtained by dividing the total nontoxic sampling/analysis costs for all classes of industrial users in user class times the number of samplings/analyses per year for that user class.

16.14.415 - User Charge System - Replacement Charges.

The replacement charge shall be sufficient to replace any equipment in the sewers or sewage works owned by the City, as required, in order to assure the continued peak performance of the equipment and to maintain the capacity for which the sewers and sewage works were designed and constructed. The service life for real and personal property shall be established by the City in cooperation with the City's auditors, in accordance with experience of the City, federal guidelines and accepted accounting procedures. Each piece of equipment shall be evaluated annually to determine if its useful life has been extended as a result of preventive maintenance programs or repairs.

16.14.420 - User Charge System - Handling and Sampling Charges.

A unit handling charge per bill to cover the cost of billing and collection shall be assessed against each user. The total administrative and overhead costs associated with billing and collection shall be determined by the City. To determine the charge to be assessed against each user, the City will divide the total administrative and overhead costs by the forthcoming year's estimated total number of bills to be issued.

16.14.425 - User Charge System - Additional charges.

Additional charges shall be billed, as required, for the following:

1. Actual costs incurred for user-requested samplings and analysis;
2. Actual costs incurred for water meter inspection requested by the user or as required because of improper maintenance;
3. Actual costs incurred for special handling not provided for elsewhere in the Chapter;
4. Actual costs incurred for handling a user's check returned because of insufficient funds;
5. Any user that is determined or found to discharge any toxic pollutant(s) (or listed in 16.14.575) into the conveyance or treatment facility system shall pay a fee, the minimum to be \$500 and associated maintenance cost per event.

16.14.440 - Connection Charge.

Any new connections made to the sanitary sewer system shall be charged a one-time connection fee. The connection fee to be charged is based on the number of residential equivalent

units (REU). An REU is calculated on a density of 2.75 persons per family unit, with a total flow of two hundred seventy-five (275) gallons a day.

- a) Residential customers will be charged a connection fee based on the following:
 - 1. Single-family residence would be one REU;
 - 2. A duplex would be two (2) REU's, etc.;
 - 3. Multiple-family units, which do not have individual laundry facilities shall be established at seventy-five percent (75%) of a single-family residence.

b) Nonresidential customers will be charged a connection fee based on the number of REU's for each facility or unit, but as a minimum the fee shall be no less than that charged for a single-family unit or one REU. The customer will provide a calculated daily water usage, the calculation will be verified by city staff, and the daily water usage will be divided by two hundred seventy-five (275) gallons per day to determine the number of REU's. This fee shall be established by a rate study and affirmed by council resolution.

- c) Payment shall be made prior to connection to the sewer system.

16.14.450 - Wastewater Treatment Charges - All users.

The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance and replacement, using the unit charges from Sections 16.14.410 and 16.14.415 of this Chapter, and user charges for billing and collection as described in Section 16.14.420 of this Chapter.

16.14.455 - Wastewater Treatment Charges - Industrial and Commercial Users.

a) In addition to the basic wastewater treatment bill described in Section 16.14.450 for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in Section 16.14.420.

b) The City shall periodically sample and analyze wastes from selected users within each classification to determine the BOD and TSS strengths of the wastes from all users in that classification for billing purposes unless the user's waste is classified by the City as having special problems. At the request of the user, samples shall be made and analyzed on the same frequency as samples for the user's classification, and that analysis shall be used as typical of that particular user's waste for billing purposes. Industries with wastes classified by the City as having special problems shall, install at the industry's own cost and in a structure located on the building service line, whatever sampling devices are required.

16.14.465 - Credits For Water Not Reaching Sewerage System.

A higher consumption credit for an extenuating circumstance such as leaks in a water service may be made at the City's discretion. If a portion of the water furnished to any premises

is not discharged into the sewage system, the amount of such water can be deducted in computing the sewerage service charge, provided a separate meter is installed. The property owner desiring to install such separate meter shall make application and payment to the City and engage a plumber to make the required piping changes.

16.14.470 - Wastewater Treatment Bills - Period.

A bill shall be produced and submitted to each user on a monthly basis.

16.14.475 - Wastewater Treatment Bills - Payment.

The bill shall be due in full, taking into consideration a grace period.

16.14.480 - Wastewater Treatment Bills - Delinquent.

a) Any bill not paid within twenty (20) days after date of billing shall be declared delinquent and a reminder notice issued to the billed party. The reminder notice shall contain an additional handling charge to offset all costs incurred for generating and issuing the reminder notice.

b) Any balance incurred before September and not paid by November 15th will be assessed to the property owner's real estate tax bill along with a 10% tax assessment fee.

c) In any case where the user is responsible for the nonreceipt of the bill, the conditions described in this Chapter for late payment and penalties shall apply. In those instances where the City is responsible for the nonreceipt of the bill, the City may, at its discretion, grant the user an extension of the discount period and late payment conditions described in this Chapter.

16.14.485 - Debt Service.

User charge revenues shall continue to be collected for all debt service and/or revenue bond obligations of the waste treatment works.

ARTICLE IV. - ACCOUNTING

16.14.490 - User charges - Disposition of funds.

All user charge moneys shall be placed in the utility's general fund.

16.14.495 - User Charges - Expenditures.

Expenditures shall be made in accordance with the annual budget and ordinances authorized by the City.

16.14.500 - User Charges - Replacement Reserve Expenditures.

Expenditures from the accrued replacement reserve accounts shall be for making renewals to accommodate wear of physical elements and/or movable property that would result in an extended useful life or meet the anticipated useful life.

16.14.505 - User Charges - Renewals.

Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets groups of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

16.14.510 - User Charges - Audit.

An audit shall be performed annually by a certified public accountant selected by the City.

16.14.515 - User Charges - Excess Revenue.

Any excess or deficit in revenues collected in a fiscal year from a particular user-class, shall be taken into consideration whenever rates are reviewed and/or revised.

ARTICLE V. - SEWAGE COLLECTION AND TREATMENT REGULATIONS

16.14.530 - Discharge conditions - Contents.

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 Department of Natural Resources.

16.14.535 - Discharge Conditions - Buildings to be Located Within City.

No building or facility shall be connected to any sewer unless the entire property on which the building or facility is situated is located within the corporate limits of the City except as provided in Sections 16.14.815 and 16.14.820.

16.14.540 - Discharge Conditions - Adequate Holding Facilities.

No person shall place, deposit, or discharge, or cause to be placed, deposited, or discharged upon public or privately owned property any wastewaters within the corporate limits of the City

unless done so within adequately sized holding facilities approved by all applicable Federal, State and Local agencies.

16.14.545 - Discharge Conditions - Approved Connections.

No person shall deposit or discharge, or cause to be deposited or discharged, to any wastewater collection facilities, any solid, liquid, or gaseous waste unless through a connection approved under the terms of this Chapter.

16.14.550 - Discharge Conditions - Approved Waste Treatment.

No person shall discharge any sewage, waste or material, industrial waste, or any polluted water into a stream or in the air or onto the land, except where the person has made and provided for treatment of such wastes which will render the contents of such waste discharge in accordance with applicable City, State and Federal laws, ordinances and regulations.

16.14.555 - Discharge Conditions - WPDES Permit - When Required.

In case of natural outlet discharges, at the time construction of the waste treatment works is commenced, each owner or operator shall furnish the City an approved Wisconsin Pollutant Discharge Elimination System (WPDES) permit setting forth the effluent limits to be achieved by such pretreatment facilities and a schedule for achieving compliance with such limits by the required date. The WPDES permit shall be kept on file with the City and updated by such information as periodically required by the City, Local, State and/or Federal agencies.

16.14.560 - Discharge Conditions - Residential Toilet and Waste Disposal Facilities.

Any person owning property within the corporate limits of the City, when the property is improved with one or more residences, houses, buildings or structures for or intended for human use, occupancy, employment or any other similar purpose whatever, and the property abuts on any street, alley or right-of-way in which there is located a sewer within one hundred (100) feet from the nearest property line shall, within ninety (90) days after such sewer is in service, at owner's expense install suitable toilet and waste disposal facilities in the residences, houses, buildings or structures and connect the facilities with the sewer in accordance with the terms and provisions of this Chapter; provided, however, that in the event compliance with this section causes economic hardship to the person, an application for exemption can be submitted to the City. An application for exemption shall state in detail the circumstances which are claimed to cause the economic hardship. Exemptions shall only be granted to residential users and shall not apply to commercial and industrial users. Any connection to the sewer under this Chapter shall be made only if the City determines that there is capacity, including BOD and TSS capacity, available in all downstream sewer lift stations and sewer lines and in the treatment plant.

16.14.565 - Discharge Conditions - Avoiding Connection Prohibited When.

Persons described in Sections 16.14.550 through 16.14.560 shall not avoid connection to the sewer by reason of the actual distance between the building or structure and the connecting point of the sewer line.

16.14.570 - Discharge Limitations - Natural Liquids.

No person shall discharge or cause to be discharged any stormwater, foundation drainwater, groundwater, roof runoff, surface drainage, or unpolluted industrial cooling waters to any sewer connected to the City's waste treatment plant.

16.14.575 - Discharge Limitations - Industrial Liquids and Solids.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following material to any sewer connected to the City's treatment plant:

1. Any liquid or vapor having a temperature high enough to create damaging or adverse effects on the treatment process or to prevent compliance with regulations pertaining to the treatment standards;
2. Any waters or wastes which may contain more than 100 milligrams per liter by weight of fat, oil, grease, or hexane extractable material;
3. Gasoline, benzene, naphtha, fuel oil or other combustible, flammable or explosive liquid, solid, or gas of whatsoever kind or nature except as approved by the City;
4. Any garbage that has not been properly shredded;
5. Any gases, ashes, cinders, sand, mud, straw, shavings, metal, glass, wipes, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
6. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the waste treatment works;
7. Any waters or waste containing any toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or that would constitute a hazard to humans or animals, or that would create any hazard in the receiving waters of the sewage treatment plant (See Section 16.14.425);
8. Any waters or wastes containing BOD or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant, except as may be permitted by specific, written

agreement with the City, which agreement may provide for special charges, payments, or provisions for treating and testing equipment;

9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
10. Any amount of the following constituents exceeding that listed below, in milligrams per liter:
 - A. Aluminum, 800.0,
 - B. Arsenic, 0.25,
 - C. Barium, 2.0,
 - D. Boron, 1.0,
 - E. Cadmium, 2.0,
 - F. Chlorides, 700.0,
 - G. Chromium, total, 21.8,
 - H. Chromium (hexavalent), 3.6,
 - I. Copper, 17.6,
 - J. Cyanide, 1.2,
 - K. Fluorides, 2.5,
 - L. Iron, total, 56.0,
 - M. Lead, 1.5,
 - N. Manganese, 1.0,
 - O. Mercury, 0.0005,
 - P. Nickel, 6.7,
 - Q. Phenols, 0.3,
 - R. Selenium, 1.0,
 - S. Silver, 0.1,
 - T. Total dissolved solids, 1500.0,
 - U. Zinc, 16.5
11. Ammonia nitrogen in such an amount that would cause the City to be in noncompliance with regulations of the Department of Natural Resources.
12. No provision of Sections 16.14.570 and 16.14.575 shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the U.S. Environmental Protection Agency or the Department of Natural Resources.

16.14.576 - Amalgam Separators - General Conditions.

This section applies to any dental office that places or removes amalgam. If work in a dental office is limited to work that does not involve placing or removing amalgam, such as orthodontics, periodontics, oral and maxilla-facial surgery, endodontics, or prosthodontics, then this section does not apply. Within the shortest reasonable time, but not later than six (6) months from the passage of this section, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). Dental offices shall install, operate, and maintain the amalgam separator according

to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system. In addition, all dental offices shall implement best management practices for amalgam as established by the Wisconsin Dental Association (WDA).

1. On or before one year from the passage of this section, each dental office shall submit a report to the City Clerk that certifies the implementation of the management practices established by the WDA and identifies the contractors used to remove amalgam waste within the last twelve months.
2. On or before three (3) months from the passage of this section, each dental office shall provide a schedule for the installation of the required amalgam separator(s).
3. On or before six (6) months from the passage of this section, each dental office shall provide a report providing the following information:
 - A. If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer and the model name.
 - B. If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide the installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.
4. If a dental office has provided a report according to subsection 3)B., then the dental office shall notify the City of Whitewater within five (5) days after completion of the installation.
5. The City shall provide a form for reporting the information required by subsections (1) and (3).
6. Dental offices shall obtain records for each shipment from the contractors used to remove amalgam waste showing: the volume or mass of amalgam waste shipped; the name and address of the destination, and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the City for inspection and copying upon request from the City.
7. Dental offices shall allow the City to inspect the vacuum system, amalgam separator, and amalgam waste storage areas upon request.
8. Inspections shall occur during the normal operating schedule of the dental office. The City shall inspect dental offices according to appointments made in advance, as long as this advance notice does not impede enforcement of this section.
9. If a dental office is implementing the management practices required by subsection (1) and is operating and maintaining the amalgam separator as required, the

numerical discharge limit for mercury established in any other section of this Chapter does not apply.

16.14.577 - Amalgam Separators - Maintenance.

To maintain proper discharge quality from amalgam separators, a maintenance report will be required to be submitted on an annual basis on or before May 1st of each year. This report shall contain a summary of any issues related to the amalgam unit maintenance and operation, including dates and names of contractor(s) doing the service, along with all relevant receipts generated in the recycling of amalgam waste in the previous twelve (12) months. Examples of these receipts would be:

1. Vendor providing the recycling container,
2. Vendor providing the recycling service (certification of recycling),
3. Initial recipient of amalgam waste.

16.14.580 - Grease, Oil and Sand Interceptors - Installation.

The requirement to install grease, oil or sand interceptors (grease traps) is set forth in the SPS 382. Units shall be installed by the user at their expense in accordance with State plumbing code standards. All new, altered or remodeled plumbing systems receiving grease, fats, oils or similar products from cooking or food preparation, along with car wash facilities, require grease/sand interceptors with the exception of residential dwelling units. Installations must be done in a manner to allow for easy accessibility for inspections, maintenance and repair. In addition, the City may require a grease interceptor where an onsite drain system is reduced or filled due to congealed grease.

16.14.585 - Grease, Oil and Sand Interceptors - Maintenance.

Where installed, grease, oil and sand interceptors shall be maintained at the owner's expense and shall be kept in continuous and efficient operation. A receipt verification (and/or approved maintenance log) shall be submitted on or before December 31st of each year for maintenance to the interceptor (for the previous twelve (12) months) per manufacturer or design guidelines. At a minimum, cleaning must be done at least once in a twelve (12) month period regardless of manufacturer recommendations. The City reserves the right to increase the required maintenance frequency if sufficient cause is observed. Receipts (and/or a maintenance log) shall be forwarded to the City Clerk's office. Failure to comply with the maintenance procedures will result in reinspection and the fees that accompany this procedure per Whitewater Ordinance 1.29.020.

16.14.586 - Grease, Oil and Sand Interceptor - Prohibitions.

The introduction of emulsifiers into a grease interceptor is prohibited as set forth in SPS 382. In addition, enzyme additives, flushing with hot water or steam are prohibited means with regard to required maintenance of grease interceptors within the City.

16.14.590 - Preliminary Treatment Facilities - Permissible Levels.

In the event the City approves the admission of any materials into its sewers as set forth in Section 16.14.575, the City shall direct the user causing admission of any such materials to, at user's own expense, construct, install and operate such preliminary treatment plants and facilities as may be required in order to:

1. Reduce the BOD to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight;
2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 16.14.575
3. Control the quantities and rates of discharge of such waters or wastes.

16.14.595 - Preliminary Treatment Facilities - Conformance to Specifications.

No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data and other information pertinent to its proposed operation and maintenance shall conform to all City, U.S. Environmental Protection Agency, Department of Natural Resources, and any other local, state or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from U.S. Environmental Protection Agency, Department of Natural Resources, and any other local, state or federal agency having regulatory authority with respect thereto.

16.14.600 - Preliminary Treatment Facilities - Maintenance.

All such preliminary treatment facilities as required by the Chapter shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

16.14.605 - Special Pretreatment Agreements with City.

No provision contained in the Chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the City and any industrial user whereby industrial waste and material of unusual strength, character or composition may be accepted by the City for treatment, subject to additional payment therefor by the industrial user; provided, however, that such contract or agreement shall have the prior approval of the Common Council.

16.14.610 - City's Right to Reject Waste Admissions.

The City reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

16.14.615 - Private Sewage Treatment - Compliance with Applicable Regulations.

Where a public sewer is not available as set forth in Sections 16.14.530 through 16.14.565, the building or structure shall be connected to a private sewer, and a disposal or treatment system shall be constructed in compliance with the terms and provisions of all applicable city, county, state and federal laws and regulations.

16.14.620 - Private Sewage Treatment - Connection to Public Sewer.

Within ninety (90) days after a property served by a private sewer or disposal system as described in Section 16.14.615 becomes subject to the terms and provisions of Section 16.14.560, a direct connection shall be made to the public sewer according to the terms and provisions of this Chapter, and all private sewers and disposal systems shall be disconnected and abandoned and all openings, tanks or other containers of human wastes, garbage and other wastes shall be permanently filled with granular material.

16.14.625 - Private Sewage Treatment - Not Responsibility of City.

The City shall not be responsible in any way for the operation and maintenance of a private sewer or disposal system or facility.

16.14.630 - Private Sewage Treatment - More Stringent Sewage Requirements Apply.

No provisions of the Chapter shall be construed to provide lesser requirements for private sewers and disposal systems as are presently or may hereafter be imposed and required by any other local governmental body or the state or federal government.

16.14.635 - Service outside City - Generally.

The City, by proper resolution of the Common Council, shall have the right at its discretion, upon payments, terms and conditions as may be mutually agreed upon, to contract in writing for the right to use any sewer serving property located wholly or partly outside the City's corporate limits.

16.14.640 - Service Outside City - Subject to Terms of Chapter.

In the event a contract is made pursuant to Section 16.14.635, a user of any sewer serving property wholly or partly outside the district's corporate limits shall be subject to all of the terms and provisions of this Chapter, and in addition to all payments and charges, be required to pay all equivalent costs, taxes, charges and expenses as would be imposed upon and paid by a user situated within the corporate limits of the City.

16.14.645 - Service Outside City - Contract.

If any property of a person desirous of becoming a user is situated outside the corporate limits of the City and not contiguous thereto so that it may not properly be annexed to and become part of the City's corporate limits, the City at its discretion may permit such a connection; provided, that a contract providing essentially the following, as described in Sections 16.14.650 through 16.14.690, is entered into between the City and the user.

16.14.650 - Service Outside City - Only for Described Tract.

The user may connect buildings situated only on the fully described tract set forth in the agreement and in accordance with all applicable laws, ordinances and regulations of the City and local, state and federal governments.

16.14.655 - Service Outside City - Standards for Waste Discharge.

The wastes and material discharged shall meet all present and future standards for content and volume, and the user shall further agree to pay all future connections, user and treatment or service charges which are applicable to all property and users uniformly.

16.14.660 - Service Outside City - Additional Taxes.

The user, successors and assigns shall, in addition to costs noted previously, pay annually an amount equivalent to City taxes computed in the manner following:

1. The equalized, assessed value of the user's taxable property, or of any subdivided part of separate tract thereof, as determined by proper authority of Jefferson or Walworth County, Wisconsin, shall be multiplied by the City's rate of tax upon real estate and personal property situated within its corporate area for the year, when the tax rate is determined.
2. The amount, when computed by the City, shall be charged to the user, its successors and assigns, and the statement sent to the user shall be paid within thirty (30) days after the date of sending. Any amount remaining unpaid after due date shall draw interest at the rate of 10% per year until paid.
3. The amount computed for the use shall be prorated from the date of the contract if the user used the sewer system for only a partial year.
4. If the user, any successor or assigns thereof fails to pay the amount when due, each and every sewer upon the property, or any subdivided tract thereof for which payment is not made, shall be disconnected by the owner from any other sewer which was connected under the contract and ultimately attaches to the City treatment plant. The user shall cause or require its sewer system to be constructed within the property in order that separate tracts may be so disconnected, and give and grant the City an irrevocable easement for the purpose of going upon the same

and disconnecting any such sewer if the producer, its successors or assigns fails to disconnect promptly when such is required.

5. In addition to the right of disconnection, the City shall have a lien upon the property or subdivided portion of it in the amount of any unpaid charges due therefrom. Upon the filing of notice, the lien shall be deemed perfected, and the lien may be charged and redeemed, or foreclosed and the property sold to satisfy the unpaid charges in accordance with the Wisconsin Statutes.
6. The City shall have the additional right to file a civil suit to recover the amount of the lien, the full cost incurred in disconnection, and all its reasonable legal expenses and attorney's fees incurred as a result of the suit.
7. All amounts charged under Sections 16.14.645 through 16.14.690 are due and shall continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the City is paid in full for all amounts due it, and, in addition, the City shall be paid a deposit equal to the estimated charge for the next succeeding year. This deposit shall be held by the City in escrow, and will be returned upon satisfactory payment of amounts due the City for a period of two (2) years.

16.14.665 - Service Outside City - Dedication Permission Required.

The City shall not, without its prior written consent and acceptance, have dedicated to it or own any sewer system installed within the property, and the producer, its successors and assigns shall maintain the same as its own cost; provided, however, that this provision shall not be construed to prohibit the dedication of part or all of said sewer system to another unit of government.

16.14.670 - Service Outside City - Successor Liability.

Upon conveyance by the owner of all or any subdivided portion or tract of said property, the successor in title shall succeed to all rights and liabilities hereunder, and the owner shall have no future liability to the City thereunder in respect to such tract except as shall have accrued as of the date the instrument of conveyance is recorded in the office of the register of deeds, of Jefferson or Walworth County, State of Wisconsin.

16.14.675 - Service Outside City - Annexation Effect.

In the event that such property therein described, or any subdivided or separate tract thereof, shall be annexed to the City by proper ordinance, then the agreement executed pursuant to Sections 16.14.645 through 16.14.690, as to such property or the subdivided or separate tract thereof which is so annexed, shall then terminate and be of no further force and effect.

16.14.680 - Service Outside City - Recordation of Agreement.

The agreement executed under Sections 16.14.645 through 16.14.690 shall be recorded in the office of the register of deeds of Jefferson or Walworth County, State of Wisconsin, which recording shall constitute notice to any successor or assign of the owner of its terms and provisions, and to which any subsequent conveyance or assignment of the owner shall be subject.

16.14.685 - Service Outside City - Nonseverability of Agreement.

If any part or provision of the agreement shall be found or held by a court of competent jurisdiction to be invalid or unenforceable, then the entire agreement shall terminate and all sewers of the owner or its successors or assigns shall be promptly disconnected from any such system which ultimately connects to the City treatment plant.

16.14.690 - Service Outside City - Applicant to Assume Applicable Extra Charges.

The applicant for treatment service under an agreement pursuant to Sections 16.14.645 through 16.14.685 shall agree to assume user charges, industrial waste charges and capital surcharge, if applicable, and to obtain from the City the proper building permit by which the connection is allowed and the discharge permit, if applicable, which indicates what discharge will be made to the treatment system.

16.14.695 - Discharge Permits - When Required.

The City reserves the right to require a discharge permit from commercial or industrial users of the sewer, and, if the City does exercise the option, commercial or industrial users shall not discharge to a sewer without having first applied for and obtained a permit from the City. Upon notification from the City, each commercial or industrial user presently discharging material to the sewer shall apply for and obtain such a discharge permit within ninety (90) days from the date of such notification.

16.14.700 - Discharge Permits - Issuance.

Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, 1972 Edition, as amended and supplemented, are adopted by the City as the basis for the issuance of discharge permits for building connections to a sewer.

16.14.705 - Discharge Permits - Application.

The application for a discharge permit shall be made on a form provided for that purpose by the City, and shall be fully completed under oath by the property owner, user or a duly authorized and knowledgeable officer, agent or representative thereof, and acknowledged. If requested, the person making application shall also submit such scientific or testing data, or other information, as may be required by the Common Council. The City shall also have, at its discretion, the right to personally inspect the premises, equipment and material, and laboratory testing facilities of the applicant.

16.14.710 - Discharge Permits - Fees.

No fee shall be charged for a discharge application or permit.

16.14.715 - Discharge Permits - Denial.

No discharge permit shall be issued by the City to any person whose discharge of material to sewers, whether shown upon the application to determine after inspection and testing conducted by the City, is not in conformance with federal, state or city statutes, ordinances, rules and regulations, unless a waiver of such standards and requirements is granted by the Common Council in the manner hereinafter set forth. The City shall state in writing the reason or reasons for denial or requirement for waiver and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.

16.14.720 - Discharge Permits - Reapplication When Required.

In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the City, in the same manner and form as originally made.

16.14.725 - Discharge Permits - Denial Hearing.

If the application for a new permit or for one because of change in the type or volume of material discharge is denied by the City, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of Section 16.14.715, and a waiver of variance is required, the user may have the Common Council review the denial or may request waiver-variance, provided the user shall give written notice of the request within thirty (30) days after receiving the denial. The Common Council shall review the permit application, the written denial, and such other evidence and matters as the applicant and City shall present at its next regular meeting following receipt of request for its review, and the decision of the Common Council rendered publicly at said meeting shall be final.

16.14.730 - Discharge Permits - Order to Cease Discharge.

In the event that any discharge of material to a sewer shall materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Common Council, cease and desist from such discharge and shall also be subject to disconnection, fine and other penalties provided by this Chapter.

16.14.735 - Discharge Permits - Waiver By Common Council.

A grant of waiver by the Common Council may set forth such conditions, exceptions, time limitations, durations and expirations as the Common Council deems necessary and proper.

16.14.740 - Construction of Sewers and Connections for Buildings.

The construction of sewers and connections for buildings shall be in compliance with the terms and provisions of applicable city and local units of government ordinances.

16.14.745 - Construction Permits - Application.

A construction permit shall first be applied for and obtained from the City before a person, after the effective date of the ordinance codified in this Chapter, can connect to any sewer located on properties within the corporate limits of the City or on properties outside the City where services have been contracted for with the City.

16.14.750 - Construction Permits - Issuance Conditions.

Construction permits shall not be issued unless it has been determined by the City that there is capacity available in all downstream sewerage facilities.

16.14.755 - Statement of Waste Characteristics - Report by Nonresidential Users.

The City reserves the right to require any nonresidential user to submit a report to the City, on forms provided by the City, a certified statement of the characteristics of its industrial wastes discharged in the sewers and treatment works of the City or to any sewers connected to its treatment works. This statement shall be filed with the City.

16.14.760 - Statement of Waste Characteristics - Contents.

The waste characteristics to be measured and certified by the user shall be:

1. BOD in milligrams per liter;
2. Suspended solids in milligrams per liter;
3. Such other constituents of wastewater as directed by the City.

16.14.765 - Statement of Waste Characteristics - Priority of City's Results.

Should there be a difference in understanding between the City and user as to the characteristics in Sections 16.14.755 through 16.14.795, the City reserves the right to use the City results from analyses for purposes of billing. Should submission not be made during the ten (10) day period, the City shall use its results from analyses for purposes of billing.

16.14.770 - Sampling Chamber - Required When.

Whenever required by the City, the owner of any property serviced by a building sewer carrying nonresidential wastewater and material shall install a large manhole or sampling chamber in the building sewer in accordance with plans and specifications approved by the City and

installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately collect a sample for analysis. The chamber shall be safely, easily and independently (of other premises and buildings of user) accessible to authorized representatives of the City at all times. Where construction of a sampling chamber is not economically or otherwise feasible, alternate arrangements for sampling may be arranged at the discretion of the City.

16.14.775 - Sampling Chamber - Contents.

Each sampling chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity; or the metered water supply to the industrial plant may be used as measure of liquid quantity where it is substantiated by the City that the metered water supply and waste quantities are approximately the same or where a measurable adjustment agreed to by the City is made in the metered water supply to determine the liquid waste quantity.

16.14.780 - Sampling Frequency and Requirements.

Representative samples shall be taken as determined by the City and properly refrigerated and composited in proportion to the flow for a representative twenty-four (24) hour sample. Such sampling shall be done as prescribed by the City to ensure representative quantities for the entire reporting period. Minimum requirements for determination of representative quantities or characteristics shall include re-evaluation during each twelve (12) month period. The determination of representative quantities and characteristics shall include not less than seven (7) consecutive calendar days of twenty-four (24) hour composite samplings taken during periods of normal operation, together with acceptable flow measurements.

16.14.785 - Sampling Subject to Verification by City.

The sampling frequency, sampling chamber, metering device, sampling methods and analysis of samples shall be subject, at any time, to inspection and verification by the City.

16.14.790 - Standard Methods to be Used.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in Sections 16.14.755 through 16.14.795 shall be determined in accordance with the current edition of Standard Methods.

16.14.795 - Sampling by Industry Personnel Permitted.

The City shall have the option to have the metering and sample collection done by the industrial plant personnel and have composite samples delivered to a laboratory as designated by the City for analysis. This procedure can also be terminated at any time by the City upon reasonable notice.

16.14.800 - Septic Haulers - Nonindustrial Use Charges.

Nonindustrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in Section 16.14.450, the volume of which is determined for each by the City.

16.14.805 - Septic Haulers - Industrial Use Charges.

Industrial users hauling liquid wastes to the treatment plant shall be assessed user charges as described in Sections 16.14.755 through 16.14.765.

16.14.810 - Septic Haulers - Unacceptable Liquid Wastes.

Liquid wastes hauled to the treatment plant containing concentrations of constituents in excess of the limits set forth in Sections 16.14.575 shall not be accepted.

ARTICLE VI. - ENFORCEMENT AND PENALTIES

16.14.815 - Inspection Rights.

Any duly authorized employee or agent of the City bearing proper credentials and identification shall be permitted at any time to enter upon all properties within the corporate limits of the City or outside the City, that has contracted for wastewater treatment service, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this Chapter.

16.14.820 - Liability During Inspections.

While performing the necessary work on private properties referred to in Section 16.14.815, the duly authorized employees of the City shall observe all safety rules applicable to the premises established by the commercial or industrial user, and the user shall be held harmless for injury or death to the City employees, and the City shall indemnify the user against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

16.14.825 - Violations of Regulatory Provisions.

a) Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a forfeiture in an amount not to exceed \$500 for each violation.

b) For the purpose of this section, each day a violation exists or continues shall constitute a separate offense.

16.14.830 - Penalties.

A person who is subject to a forfeiture for violating any provision of this Chapter may be committed to the county jail until the forfeiture and costs are paid; provided, however, that no such incarceration shall exceed six (6) months for any one violation. For each day of confinement, the committed person shall be allowed, exclusive of his board, a credit of \$5 toward the forfeiture and costs.

16.14.835 - Personal Liability of Violator.

Any person who violates any provision of this Chapter shall also be:

1. Liable to the City for all costs, expenses, loss or damage, if any, incurred by the City as the result of such violation (See Section 16.14.425(6));
2. Subject to immediate disconnection of the sewer serving the property upon or in connection with which the violation occurred;
3. Subject to a lien upon said property in the amount or any costs described in this section.

16.14.840 - Nonpayment of Bills.

a) Whenever wastewater treatment bills, industrial cost recovery or capital surcharge bills become delinquent as set forth in Sections 16.14.400 through 16.14.525, the same shall become and constitute a lien upon the real estate to which sewer service is supplied pursuant to the terms and provisions in City regulations. Statements rendered for such charge shall be deemed notice to all parties, whether or not the person charged with the statement is the owner of the property served. The claim for lien shall be made in the form of a sworn statement setting forth:

1. A description of the real estate, sufficient for the identification thereof, upon or for which the sewerage service was supplied;
2. The amount or amounts of money due for such sewerage service; and
3. The date or dates when such amount or amounts became delinquent.

b) If all amounts shown due remain unpaid after recording as provided by state statutes, the City may foreclose the lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate.

16.14.845 - Civil Action.

In the alternative of levying a lien, the City may, at its discretion, file suit in a civil action to collect such amounts as are delinquent and due against the occupant or user of the real estate and shall collect, as well, all attorney's fees incurred by the City in filing the civil action. Such attorney's fees shall be fixed by order of the court.

16.14.850 - Interest.

In addition to all penalties and costs attributable and chargeable to recording notices of the lien or filing a civil action, the owner or user of the real estate being served by the treatment works shall be liable for interest upon all unpaid balances at the rate of 10% per year.

16.14.855 - Filing Fees.

In all cases where the sewer user charge payment has become delinquent and Common Council elects to file a statement thereof in the office of register of deeds, as hereinabove set forth, there shall be added to the amount due the City such charges and expenses as are necessary and required to verify the legal description of the property to which the lien is to attach, plus a sum established by the City attorney as sufficient to cover the cost of preparation of such notices and forms required. In each instance, the City Manager or a duly appointed employee of the City shall be authorized and directed to include such additional costs in the amount claimed due the City in the notice of lien.

16.14.860 - Revocation of Permits and Disconnection of Service.

The City reserves the right to revoke discharge permits and to disconnect service to any user whenever wastewater treatment or capital surcharge bills become delinquent.

16.14.865 - Deposit of Future Payments.

All amounts charged under Sections 16.14.840 through 16.14.865 continue to be due hereunder, whether or not said sewer is disconnected, and no sewer shall be reconnected until the City is paid in full for all amounts due it, and in addition, there shall be paid to the City a deposit equal to an estimated amount of such charge for the next succeeding year. Such a deposit shall be held by the City in escrow, and will be returned upon satisfactory payment of all bills for a period of two (2) years.

Ordinance introduced by Council Member _____, who moved its adoption.

Seconded by Council Member _____.

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

Cameron Clapper, City Manager

Michele R. Smith, City Clerk