

CHAPTER 14

MUNICIPAL UTILITIES

14.01 **UTILITY COMMISSION.** See Section 1.10 of this Code.

14.02 **WATERS AND LIGHT UTILITY RULES AND REGULATIONS.** The rules and regulations for the operation of the Water and Light Utility shall be those on file with and approved by the WI Public Service Commission, which rules and regulations are adopted as a part of this Chapter.

(1) **COLLECTION OF ELECTRIC CHARGES.**

(a) It is hereby declared a rule of the New Holstein Municipal Light and Water Department that delinquent charges for electricity shall be imposed as a special charge against the property served, pursuant to Section 66.60(16), WI Stats., which statute is hereby incorporated herein by reference. Such rule, however, shall not preclude collection of such charges by any other means allowed by law.

(b) Prior to imposing such charges as a special charge against the property served, notice of the delinquent bill shall be sent to both the customer and the property owner advising both that if the bill is not paid within thirty (30) days of the date of the notice, the bill will be placed on the tax roll as a delinquent tax for collection. If the bill is not so paid, then it shall be so placed on the tax roll pursuant to said Statute (Section 66.60(16)(b)).

14.03 **SEWER USE ORDINANCE AND SEWER SERVICE CHARGE**

(1) Introduction And General Provisions

This Ordinance regulates the use of private sewers and drains and the discharge of waters and wastes into the public wastewater collection system of and within the City of New Holstein. This Ordinance provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection system, and enables the City to comply with administrative provisions, water quality requirements, toxic and effluent standards, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal law. The intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the wastewater collection system.

This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining the wastewater treatment and collection system and to provide sufficient funds to pay for wastewater treatment, to pay for debt service costs, and

to pay for equipment replacement costs. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance.

(2) **DEFINITIONS**

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

(a) **Approving Authority.** Approving authority shall mean the New Holstein Utilities of the City of New Holstein or its duly authorized agent or representative.

(b) **City.** City shall mean the City of New Holstein or its duly authorized committee, agent or representative.

(c) **Biochemical Oxygen Demand (BOD₅).** Biochemical Oxygen Demand (BOD₅) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20-degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD₅ shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods".

(d) **Building Drain.** Building drain shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge of wastewater and grey water from other drainage pipes inside the building and conveys the wastewater and grey water to the building service lateral.

(e) **Building Service Lateral.** Building service lateral shall mean the sanitary sewer piping from the wastewater collection system or other place of disposal extending to the connection with the building drain at or near the exterior of the building wall.

(f) **Compatible Pollutants.** Compatible pollutants shall mean BOD₅, suspended solids, phosphorus, or pH levels that are generally treatable to a high degree, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants, if such works were designed to treat such additional pollutants to a substantial degree, and in compliance with the City of New Holstein WPDES permit.

(g) **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. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the sanitary sewer system.

(h) **Garbage.** Garbage shall mean the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

(i) **Ground Garbage.** Ground garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in a sanitary sewer.

(j) **Incompatible Pollutants.** Incompatible pollutants shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes or effluent quality or sludge quality if discharged to a wastewater treatment facility.

(k) **Industrial Waste Water.** Industrial waste shall mean the wastewater from an industrial process, trade, or business, including cooling water and the discharge from wastewater pretreatment facilities. Industrial wastewater is distinct and different from sanitary wastewater.

(l) **Licensed Discharger.** Licensed discharger shall mean a person holding a license under s. 146.20(3)(a).

(m) **Milligrams Per Liter.** Milligrams per liter shall be a weight-to-weight ratio; the milligrams per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Milligrams per liter is equivalent to parts per million.

(n) **Municipal Wastewater.** Municipal wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences and commercial businesses and any groundwater, surface water, and stormwater that may be present.

(o) **Natural Outlet.** Natural outlet shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

(p) **New Holstein Utilities.** New Holstein Utilities shall mean the duly authorized representative of the City of New Holstein.

(q) **Person.** Person shall mean any and all persons, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

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

(s) **Private Sewer Lateral.** A private sewer lateral, or sewer lateral, is the portion of the sewer lateral between the right-of-way and the private home or other building provided sewer service and which sewer lateral is installed and maintained by the private property owner.

(t) **Public Sewer.** Public sewer shall mean any sanitary sewer provided by or subject to the jurisdiction of the City of New Holstein. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the wastewater collection system, even though those sewers may not have been constructed with City funds.

(u) **Sewer System.** Sewer system and sanitary sewer system are interchangeable terms. Sewer system means the common sanitary sewers within a sewerage system, which are primarily installed to receive wastewater directly from facilities which convey wastewater from individual structures or from private property, and which include service connection “Y” fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of “sanitary sewer system”; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a “sewer system” when such units are cost-effective and are owned and maintained by the sanitary sewer system owner.

(v) **Sanitary Sewer.** Sanitary sewer shall mean the same as a public sewer, and either term may be used interchangeably.

(w) **Sanitary Sewage.** Sanitary sewage shall mean sanitary wastewater or wastewater, which is the preferred term.

(x) **Sanitary Wastewater.** Sanitary wastewater shall mean wastewater, which is the preferred term.

(y) **Septage.** Septage shall mean scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank, vault toilet or privy. This does not include the waste from a grease trap.

(z) **Sewage.** Sewage is sanitary wastewater or wastewater, which is the preferred term.

- (aa) **Sewer Service Area.** Sewer service area is the area presently served or anticipated to be served by a wastewater collection system.
- (bb) **Sewer Service Charge.** Sewer service charge is a service charge levied on users of the wastewater treatment collection system for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement costs associated of said facilities.
- (cc) **Sewerage System.** Sewerage system means all structures, conduits and pipes, by which wastewater is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (dd) **"Shall."** "Shall" is mandatory; "May" is permissible.
- (ee) **Slug Load.** Slug load shall mean any substance released at a discharge rate and/or concentration, which causes interferences to wastewater treatment processes. Slug loads are prohibited.
- (ff) **Standard Methods.** Standard Methods shall mean the analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.
- (gg) **Storm Drain.** Storm drain (sometimes termed "storm sewer") shall mean drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.
- (hh) **Stormwater Runoff.** Stormwater runoff shall mean that portion of the rainfall that is drained into the sewers.
- (ii) **Suspended Solids.** Suspended solids shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in the most recent edition of "Standard Methods" and is referred to as nonfilterable residue.
- (jj) **Unpolluted Water.** Unpolluted water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to a sanitary sewer and wastewater treatment.
- (kk) **Wastewater.** Wastewater or sanitary wastewater 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 be present.

(ll) **Wastewater Collection System.** Wastewater collection system or sanitary sewer system are interchangeable terms.

(mm) **Wastewater Facilities.** Wastewater facilities shall mean the structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial wastes and septage and dispose of the effluent.

(nn) **Wastewater Treatment Works.** Wastewater treatment works shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with wastewater treatment. In the case of the City, the treatment works is for the treatment of all wastewater generated within the sewer service area.

(oo) **Watercourse.** Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(pp) **Wisconsin Pollutant Discharge Elimination System (WPDES) Permit.** Wisconsin Pollutant Discharge Elimination System (WPDES) Permit is a document issued by the Wisconsin State Department of Natural Resources, which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

(3) **MANAGEMENT, OPERATION, AND CONTROL**

(a) **Management**

The management, operation, and control of the wastewater treatment and collection system for the City of New Holstein is vested in the New Holstein Utilities; all records, minutes and all written proceedings thereof shall be kept by the Utilities Office Manager.

(b) **Construction**

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

(c) **Maintenance Of Services**

The individual property owner shall maintain sewer service for the private lateral from the right-of-way line to the building receiving service including all controls between the same, without expense to the City, except when they are damaged as a result of negligence or carelessness on the part of the City. All private lateral sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be relayed and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

The New Holstein Utilities shall maintain sewer service from the main sewer to the property line including all controls between the same, without expense to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner.

(d) Condemnation Of Real Estate

Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the City be necessary to the wastewater collection system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the City shall proceed with all necessary steps to obtain such real estate easement including condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

(e) Title To Real Estate And Personal Property

All property, real, personal, and mixed, acquired for the construction of the wastewater collection system, and all plans, specifications, diagrams, papers, books and records connected therewith said wastewater collection system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the New Holstein Utilities.

(4) USER RULES AND REGULATIONS

(a) General

The rules, regulations, and sewer rates hereinafter set forth shall be considered a part of the contract with every person, company or corporation who is connected to or uses the wastewater collection system and every such person, company or corporation by connecting with the wastewater collection system shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the City may hereafter adopt, are violated, the use of service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the City and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the City may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise.

In case of such violation, the City may declare any payment made for the service by the party or parties committing such violation to be forfeited, and the same shall thereupon be forfeited. The right is reserved by the City to change the said rules, regulations, and wastewater rates from time to time, as they may deem advisable; and to make special rates and contracts in all proper cases.

The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established.

(b) Plumbers

No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the City. All service connections to the wastewater collection system shall comply with State plumbing code.

(c) User's-Mandatory Hook-Up

(1) The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human occupation or in a block through which such system is extended, shall connect to such system within 90 days of notice in writing from the City of the availability of the sewer system for hookup. Upon failure to do so, the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within thirty (30) days, such notice shall be assessed as a special tax lien against the property, however, that the owner may within thirty (30) days after the completion of the work file a written option with the New Holstein Utilities stating that he cannot pay such amount in one sum and ask that there be levied in not to exceed sixty (60) installments and that the amount shall be so collected with interest at its borrowing cost the same rate the City pays for interest, the unpaid balance being a special tax lien, all pursuant to Section 281.45, Wisconsin Statutes

(2) In lieu of the above, the New Holstein Utilities, at its option, may:

(a) Impose a penalty for the period that the violation continues, after ten (10) days written notice to any owner failing to make a connection to the wastewater collection system of an amount equal to 150% of the minimum monthly charge for the sewer service payable monthly for the period in which the failure to connect continues, and upon failure to make such payment, said charge shall be assessed as a special tax lien against the property, all pursuant to Section 281.45.

(b) Commence court action to require connection to the wastewater collection system and to impose such other penalty as this Ordinance provides.

(3) This Ordinance ordains that the failure to connect to the wastewater collection system is contrary to the minimum health standards of the City and fails to assure preservation of public health, comfort, and safety of the City residents.

(4) At the time of hook-up to the wastewater collection system, the private property owner shall also install a water meter provided by the New Holstein Utilities. This is required to enable monitoring and recording the water usage at each building for use in determining the monthly user charge.

(5) The owner of a property may elect to have installed by the New Holstein Utilities a deduct meter for water used for lawn watering purposes, thereby not incurring a sewer user charge for water used for lawn watering. The meter installed will be a utility meter supplied by the Utilities. The customer will be responsible for the cost of plumbing up to the meter and the Utilities will install the meter. The customer will be charged an additional monthly meter charge for said meter. The Utilities will maintain the meter.

(d) Private Systems Prohibited

The maintenance and use of septic tanks and other private wastewater disposal systems, including privies, outhouses, and other sanitary service, within the sewer service area serviced by its wastewater collection system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks or any private wastewater disposal system within the sewer service area of the City serviced by the wastewater collection system shall be prohibited.

(e) Application For Sewer Service

Every person connecting to the wastewater collection system shall file an application in writing to the New Holstein Utilities in such form as is prescribed for that purpose and shall pay the application fee as required. Blanks for such applications will be furnished at the office of the New Holstein Utilities. The application must state fully and truly all the uses that will be allowed except upon further application and permission from the New Holstein Utilities. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the wastewater collection system of the City are referred to herein as "Users".

If it appears that the service applied for will not provide adequate service for the contemplated use, the New Holstein Utilities may reject the application. If the New Holstein Utilities approves the application, it shall issue a permit for services as shown on the application.

(f) Lateral Costs

Persons attaching to a public sewer main shall have the private lateral from the right-of-way or easement boundary to the private building desiring service installed at his or her own expense.

(g) Tap Permits

After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the City Clerk's office.

(h) User To Keep In Repair

All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any excess water flow and unnecessary overburdening of the wastewater collection system. The service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain of the building to the property line. All repairs shall be performed by a licensed plumber qualified to perform these services and all repairs shall be in compliance with accepted plumbing practice. It shall be the responsibility of the user, in the event of a sewer lateral problem, to investigate the problem at its own expense and complete sewer repair as needed. In the event that the problem is due to the wastewater collection system, the user shall notify the New Holstein Utilities.

(i) Backflow Preventor

All sewer service laterals for new connections shall have a backflow prevention valve installed at the owner's expense, if required by the New Holstein Utilities.

(j) User Use Only

No user shall allow others or other services to connect to the wastewater collection system through his or her lateral, unless said connection is approved by the New Holstein Utilities.

(k) Vacating Of Premises And Discontinuance Of Service

Whenever premises served by the wastewater collection system are to be vacated, or whenever any person desires to discontinue service from the wastewater collection system, the New Holstein Utilities Office must be notified in writing at least 7 days before discontinuing service, or in the event of a fire or other event causing discontinuance of service, said discontinuance shall be notified to the utilities and service discontinued within 7 days of occurring. The private lateral shall be capped and sealed at the point of the private building lateral connection with the wastewater collection system, so as to be watertight and so as to preclude any wastewater, surface water or debris from entering the wastewater collection system. All costs and fees for inspection of the capping and sealing of the building sewer shall be borne by the property owner.

(l) User To Permit Inspection

Every user shall permit the New Holstein Utilities or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate.

No work to cap and seal, or to install a lateral, shall be commenced without prior notification to the New Holstein Utilities and the time that the work will be done. A representative of the utilities shall be present to inspect the work as it is being performed.

(m) Utility Responsibility

It is expressly stipulated that no claim shall be made against the City or New Holstein Utilities by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the system within any portion of the City, the New Holstein Utilities shall, if practicable, give notice to each and every consumer within the City, of the time when such service will be shut off.

(n) Excavations

(1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in a manner that will occasion the least inconvenience to the public. Prior to any excavation or work in the public right-of-way, notification and permits if required must be obtained from the City.

(2) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations. All work in the public roadways must be performed subject to the approval of and under the requirements of the City.

(3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than eight (8) inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, gravel, and paving, must be done so as to make the street, at a minimum, as good as before it was disturbed, and satisfactory to the New Holstein Utilities.

(o) Tapping The Mains

(1) No person, except those having special permission from the New Holstein Utilities or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the

connection with the pipe shall be that specified in the permits or order from the New Holstein Utilities to ensure that new sewers and connections to the wastewater collection system are properly designed and constructed.

(2) Pipes should always be tapped on a 45-degree angle from a horizontal plane, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Service connections to an existing sewer main shall be made by means of a saddled wye or specially adapted tee.

(p) Installation Of Private Laterals

All service pipes (laterals) on private property will be installed in accordance with the State of Wisconsin Administrative Code Chapter COMM 82 "Design, Construction, Installation, Supervision and Inspection of Plumbing," especially, Section COMM 82.30 "Building Sewers". All private laterals shall, as a minimum, be schedule 40 PVC pipe.

Per Section COMM 82.30(5), all laterals will be inspected: "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling". The applicant for a lateral connection permit shall notify the Utilities Office when the private lateral is ready for inspection and connection to the wastewater collection system, and the lateral shall be inspected by the utilities prior to backfilling. The inspection shall include the final connection to the public sewer.

(q) Extensions

The New Holstein Utilities shall extend the wastewater collection system in accordance with the following charges and the following conditions:

(1) When an extension main is desired by a prospective user, said person shall make an application for such an extension in writing to the New Holstein Utilities by filing a written application for the same with the City Clerk's office. After the filing of such an application, the City Engineer shall first consider the feasibility of the additional service extension with respect to the available treatment capacity. If extension appears feasible, then the Utilities Engineer shall determine the location of the next manhole or manholes, or the means by which service may be extended. Next, the Utilities Engineer shall design the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area and obtain all local and state approvals. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.

(2) The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users, as they mutually agree to. The assessment of cost and method of payment may be established by the New Holstein Utilities in a manner similar to that established for the initial sewer project.

(r) **Additional Authority**

The New Holstein Utilities has established a specific connection charge for any connection to the wastewater collection system beyond the initial construction. It is further provided that the New Holstein Utilities may amend or alter any connection charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolution.

(s) **State Of Wisconsin Statutes And Administrative Code Provisions**

In addition to the provisions provided in this Ordinance, all applicable State of Wisconsin Statutes and Wisconsin Administrative Code Provisions shall apply. The City has the authority to enforce any such statute or code. If there is a conflict between this Ordinance and state statutes or the administrative code, the most restrictive requirements shall govern.

(5) **USE OF THE PUBLIC WASTEWATER COLLECTION SYSTEM**

(a) **Prohibitions Against Discharge**

No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to the wastewater collection system.

(1) Any stormwater, surface water, groundwater, roof run-off, sump pumps, or surface drainage or any other connections from inflow sources to the wastewater collection system. Such waters may be discharged to a storm sewer or other waterway with permission of the City.

(2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances which by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the operation of the wastewater facilities.

(3) Any waters or waste containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant, or interfere with the disposal of sludge.

- (4) Any waters or wastes having a pH lower than 5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel or the wastewater facility.
- (5) Any waters or wastes having a pH in excess of 10.
- (6) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Wastewater having a temperature higher than 150 degrees Fahrenheit or that causes the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (8) Any water or wastes which may contain more than 100 parts per million by weight of oils, fat, or grease. Furthermore, all restaurants are required to install and maintain grease interceptors as defined in Section 8.02 of this Ordinance and in accordance with the Wisconsin Plumbing Code.
- (9) Any garbage that has not been properly shredded. Garbage grinders may be used from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (10) Any waters or waste containing iron, chromium, copper, zinc, mercury, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits that may be established by the City for such materials.
- (11) Any waters or wastes containing odor-producing substances exceeding limits, which may be established by the City.
- (12) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.
- (13) Quantities of flow, concentrations, or both which constitute a slug load as defined herein.
- (14) Incompatible pollutants containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility

effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

(16) Materials, which exert or cause:

(a) Unusually high BOD₅, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.

(b) Unusual flow or concentrated wastes constituting a slug load as defined herein.

(c) 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).

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

(b) Septage Disposal

No person or licensed disposer shall dispose of septage (holding tank or septic tank waste) into any manhole located within the sewer service area.

(c) Special Agreements

No statement contained in this article shall be construed as prohibiting any special agreement between the New Holstein Utilities and any person whereby a residential or commercial waste of unusual strength or character may be admitted to the wastewater collection system, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection system or subsequent wastewater treatment by reason of the admission of such wastes and no extra costs are incurred by the New Holstein Utilities.

(d) Permit Required

It shall be unlawful to discharge to any natural waterway within the City or in any area under the jurisdiction of the City any wastewater or other polluted waters, without first obtaining a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

(e) **Fines For Prohibited Discharges**

If any prohibited discharge, as defined in this Ordinance, shall occur and result in an increased loading, inhibit treatment, or result in exceeding the treatment system discharge permit, the responsible person or party causing such discharge shall be responsible for all costs incurred by the City. Prohibited discharges shall be subject to a minimum fine of \$100.00 per day as determined by the City for each calendar day the prohibited discharge occurs.

(f) **Clear Water Prohibited**

No person shall connect any roof drain, cistern overflow, sump pump, area drain, surface drain, cooling water line, or any other type of drain line that would allow surface water, ground water, rainwater, or any other type of unpolluted water to enter the wastewater collection system. Existing prohibited clear water connections must be removed from the building sewer before connection to the wastewater collection system. Any person in violation of this requirement shall be subject to immediate imposition of a fine as set forth in this section and shall disconnect all sources of clear water from the wastewater collection sewer system within 30 days from the date of written notice by the New Holstein Utilities. If any person fails to comply after the expiration of the time provided, the New Holstein Utilities may cause disconnection to be made and charge the costs thereof as a special charge against the property. The costs of disconnection shall be charged in addition to any fines imposed for violation of the Ordinance. A fine of \$100 per day shall be imposed upon any person in violation of this section. All costs of prosecution shall be added to all fines imposed.

(g) **Water Softener Minimum Salt Efficiency Standard** (Created #456)

New water softeners shall have DIR (Demand Initiated Regeneration) controls and have a minimum salt efficiency of 3350 grains of hardness per pound of salt. A building permit shall be required for the installation of new water softeners not installed by New Holstein Utility to ensure said standards are met.

(6) **USER CHARGE SYSTEM**

(a) **Definitions**

The following terms shall have the following meanings under this Ordinance:

(1) **DEBT SERVICE CHARGES** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of the wastewater collection system and treatment facility.

(2) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations less than 300 mg/l BOD₅, 300 mg/l suspended solids, 10-mg/l phosphorus, and 30-mg/l ammonia-nitrogen.

(3) **NORMAL USER** shall be a user whose contributions to the wastewater treatment facility consist only of normal domestic-strength waste originating from a house, apartment, condominium, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

(4) **OPERATION AND MAINTENANCE COSTS** shall include all costs associated with the operation and maintenance of the wastewater treatment and collection system. These costs, including costs associated with extraneous (clear water) flows, shall be divided equitably among the various sewer users.

(5) **REPLACEMENT COSTS** shall include all costs associated with establishing a fund to accumulate the necessary resources to replace equipment as required to maintain capacity and performance during the design life of the wastewater treatment and collection system.

(6) **SEWER SERVICE CHARGE** is a service charge levied on users of the wastewater treatment and collection system for payment of capital expenses as well as operation and maintenance costs, including replacement of said facilities.

(b) **Policy**

It shall be the policy of the New Holstein Utilities to obtain sufficient revenues to pay the debt service costs and the costs of the operation, maintenance and equipment replacement of the wastewater treatment and collection system through a system of sewer service charges as defined in this Section. The system shall assure that each user of the system pays a proportionate share of the cost of such facilities.

(c) **Assignment Of Sewer Users**

The New Holstein Utilities will assign sewer users into appropriate Sewer Service Charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(d) **User Charge Methodology**

The following methodology shall be used to calculate the debt service and operation and maintenance charges for the collection and treatment of wastewater.

(1) **Monthly Fixed Charge**

The monthly fixed charge is a fixed monthly charge imposed upon all connections to the system. The fixed monthly charge shall be established by the City and applied to all users. This cost is based entirely on meter size and is independent of wastewater flow. The monthly fixed charge shall be applied to debt service with any remaining amounts applied to the Sewer Utility General Fund.

(2) Monthly Variable Operation and Maintenance Charge

The monthly variable operation and maintenance charge shall be paid by all users based on the cost per 1,000 gallons of flow. The total annual costs are divided by the total annual loadings to obtain the unit cost per billing parameter.

Refer to Attachment A for the user charge calculations and methodology.

(3) Summer Residential Water Usage

The New Holstein Utilities may use the seasonal average from October through April to determine summer water usage for residential service.

(e) Adoption And Amendment Of Schedules Establishing User Charges

Included and attached to this Municipal Utilities Ordinance are the following schedules:

- Schedule 1: Meter Breakdown
- Schedule 2: Fixed Charge Breakdown
- Schedule 3: Fixed Charge Revenue
- Schedule 4: Flow and Loading Summary
- Schedule 5: Replacement Fund Budget
- Schedule 6: O & M Budget
- Schedule 7: Unit Treatment Charges
- Schedule 8: Operation & Maintenance Charge per User Class
- Schedule 9: Septage & Holding Tank Charges

These schedules are adopted and incorporated herein as attached to this amendment. These schedules may be amended from time to time by order of the New Holstein Utilities Commission and at the time of said adoption will be incorporated into the ordinance as an amendment to the ordinance to amend charges established pursuant thereto without further amendment of the ordinance.

(7) SEPTIC TANK AND HOLDING TANK WASTE

(a) Septic Tanks And Holding Tanks Prohibited

The maintenance and use of septic tanks, holding tanks or other private disposal system within the sewer service area serviced by its wastewater collection system are hereby declared to be a public nuisance and a health hazard. The use of these systems is prohibited unless a special permit is obtained from the New Holstein Utilities. Upon abandonment of the septic tank or holding tank, the tank shall be filled with sand or gravel in a manner acceptable to the New Holstein Utilities.

(b) Septic Tank And Holding Tank Disposal

No person in the business of gathering and disposing of septic tank or holding tank wastes shall transfer such material into any disposal area or manhole located within the sewer service area unless a permit for disposal has been first obtained from the New Holstein Utilities. Written application for this permit shall be made to the New Holstein Utilities and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be non-transferable except in case of replacement of the disposal unit for which a permit shall have been originally issued. The time and place of disposal shall be designated by New Holstein Utilities. The New Holstein Utilities may impose such conditions, as it deems necessary on any permit granted. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.

Any commercial hauler of septic tank or holding tank wastes agrees to carry public liability insurance in an amount not less than \$100,000 and to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. A certificate certifying such insurance to be in full force and effect shall be furnished to the New Holstein Utilities.

Any wastes discharged into the wastewater treatment system shall be of domestic origin and will comply with the provisions of any and all applicable ordinances of the City. A discharger shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile, or inflammable liquids or other deleterious substances into any manhole nor allow any earth, sand or solid material to pass into any part of the wastewater system.

Any person or party disposing of septic tank or holding tank wastes agrees to indemnify and save harmless the City of New Holstein from any and all liability and claims for damage arising out of or resulting from work and labor performed.

(8) INDUSTRIAL AND SEPTAGE WASTES PROHIBITED

(a) Industrial Discharges

The discharge of any waters or wastes, which waters, wastes, or septage contain substances or possess the characteristics enumerated in Section 5 which, may have deleterious effects upon the wastewater treatment facility, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance are hereby prohibited to be discharged to the wastewater collection system.

(b) Grease And/Or Sand Interceptors

The New Holstein Utilities has the authority to require grease, oil and sand interceptors when deemed necessary. Grease, oil, and sand interceptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the New Holstein Utilities. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by properly licensed disposal firms.

(c) Analyses

(1) All measurements, tests, and analyses of the characteristics of a wastewater to which reference is made in this Ordinance shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the New Holstein Utilities.

(2) Determination of the character and concentration of a wastewater shall be made by the person discharging them or his or her agent, as designated and required by the New Holstein Utilities. The New Holstein Utilities may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the New Holstein Utilities may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be acceptable to both the New Holstein Utilities and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(d) Submission Of Information

Plans, specifications, and any other pertinent information relating to any proposed pretreatment, grease trap or sand interceptor shall be submitted for review prior to the start of construction if the effluent from such facilities is to be discharged into the wastewater collection system.

(e) Submission Of Basic Data

Commercial users desiring to make a new connection to the wastewater collection system for the purpose of discharging wastes shall prepare and file a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(f) Time Schedule

For a new hook-up to the wastewater collection system which requires a grease trap or sand interceptor, said grease trap or sand interceptor shall be installed by the owner, and inspected and approved by the New Holstein Utilities prior to initiating wastewater flow.

For an existing discharger said grease trap or sand interceptor shall be installed by the owner, and inspected and approved by the New Holstein Utilities within 90 days of notification of said requirement.

When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person proposing to discharge a waste, to comply with the time schedule imposed herein, a request for extension of the time may be presented for consideration by the New Holstein Utilities.

(g) Cost

The New Holstein Utilities shall have the authority to install any pretreatment system if the owner does not comply with these requirements within 90 days of notification and charge the owner for all costs incurred or at its option place this cost as a lien on the owner's property taxes.

(9) PAYMENT OF CHARGES

(a) Payment And Penalty

The sewer service charge shall be billed on a monthly basis and shall be payable to the New Holstein Utilities by the 5th of the following month. A penalty of one (1) percent shall be added to all bills not paid by the date fixed for final payment.

(b) Delinquent Charges

All delinquent wastewater charges shall be a lien upon the property pursuant to Section 66.0821(4), Wisconsin Statutes, and shall be collected in the manner therein provided.

(c) Disposition Of Revenue

The amounts received from the collection of charges authorized by this Ordinance shall be credited to a sanitary sewer account, which shall show all receipts and expenditures of the sanitary sewer system. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Utilities, the credits to the sanitary sewer account shall be available for the payment of the requirements for operation, maintenance, repairs, and depreciation of the sanitary sewer system consistent with NR 162.11. Any surplus outside the purview of NR 162.11, in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sanitary sewer system,

or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the utilities may resolve to pledge each surplus or any part thereof for any such purpose.

(d) **Excess Revenues**

Excess revenues collected for a user class will be applied to the Sewer Utility General Fund.

(e) **Annual Audit**

The New Holstein Utilities shall conduct an audit annually or as required by the applicable funding agency. The purpose of audit shall be to maintain the proportionality between the users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs.

(10) **VIOLATIONS AND PENALTIES**

(a) **Damages**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence or equipment which is a part of the wastewater treatment and collection system. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

(b) **Written Notice Of Violation**

Any person, partnership, corporation, or other business entity, or any officer, agent, or employee thereof, connected to the wastewater collection system found to be violating a provision of this Ordinance shall be served by the City or New Holstein Utilities with a written notice stating the nature of the violation and providing a reasonable time not to exceed 30 calendar days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

Any licensed discharger discharging to the wastewater collection system, found to be violating a provision of this Ordinance, may have their approval immediately revoked. This revocation shall be done in writing and state the reason for revoking the approval.

(c) **Accidental Discharge**

Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater collection system, which causes damage to the wastewater treatment facility, and/or receiving body of water shall, in addition to a fine, pay the

amount to cover damages, both values to be established by the City or New Holstein Utilities.

(d) Continued Violations

Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not less than One Hundred dollars (\$100.00) per day of continued violation and the cost of prosecution as determined by the City. In default of payment of such forfeiture and costs, said costs shall be placed on the property tax to obtain payment. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense. Nothing in this Ordinance shall preclude the City from maintaining an appropriate action to prevent or remove a violation of any provisions of this Ordinance.

(e) Liability For Losses

Any person violating any provision of this Ordinance shall become liable to the City or New Holstein Utilities for any expense, loss, or damage occasioned by reason of such violation, which the City or New Holstein Utilities may suffer as a result thereof.

(f) Damage Recovery

The New Holstein Utilities shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

(g) Penalties

Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the City or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other requirements which are incorporated by reference, shall forfeit not less than \$100.00 per day for each day a violation occurs and any costs of prosecution. This, however, shall not bar the City from enforcing the connection duties for mandatory hookup. Each day in which said violation continues, shall be deemed a separate offense.

(11) VALIDITY

(a) Repeal Of Conflicting Ordinances

All ordinances, resolutions, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

(b) **Savings Clause**

If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.

(c) **Amendments**

The City, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary. (Rep. & Rec. #419 12/19/01)

(12) **EFFECTIVE DATE AND SEVERABILITY**

This Ordinance, following passage by the City of New Holstein, shall take effect on the day after its publication.

The provisions of this Ordinance are severable. If any provision of this Ordinance is invalid or if the application of any provision to any person or circumstance is invalid, such invalidity shall not affect the provisions or the applications of such, or the remaining provisions which can be given effect without the invalid provisions or invalid application.

Passed and Approved by the City of New Holstein on the 19th day of December, 2001.

14.04 **SPECIAL ASSESSMENTS FOR LAYING WATER AND SEWER MAINS.**

See sec. 6.03 of this Code.

14.05 **INSTALLATION OF SERVICE LATERALS PRIOR TO PAVING.** See sec.

6.04 of this Code.

14.06 Ord (660)

14.07 **UTILITIES TO BE PLACED UNDERGROUND.**

(1) FINDING OF DETERMINATION. The City Council does find and determine that the public interest requires that all facilities and wires for supplying and distributing electrical energy and service, including telephone, telegraph and cable television service, to be constructed in the City upon property which is yet undeveloped and which will be subdivided for residential purposes shall be placed underground for the following reasons:

(a) In areas adjacent to existing or committed underground development, there are hazards to the safety of children in the flying of kites for they have no knowledge of overhead utility wires nearby.

(b) In event of wind, rain or electrical storm, overhead wires increase the danger of fires.

(c) Overhead wires create additional hazards to the general public, fire fighters, tree maintenance men and construction personnel using cranes, booms and other construction equipment.

(2) **PROPERTY SUBDIVIDED FOR RESIDENTIAL PURPOSES.** All facilities and wires for the supply and distribution of electrical energy, telephone, telegraph and cable television service to be constructed in the City on all undeveloped property which is hereafter subdivided for residential purposes shall be placed underground. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above the ground. Any person subdividing land shall make the necessary arrangements with the utility companies involved to provide for the underground installation of these facilities.

(3) **EXCEPTION .** This section shall not apply to utility lines which do not provide service to the area being subdivided.

14.08 **PENALTY.** Any person violating any provision of this Chapter, or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 20.04 of this Code.