



MEMO

Finance

To: Common Council
From: Finance Director
Date: 12/6/2022
Re: Ordinance Amending Sanitary Sewer User Fee

The Sanitary Utility (Fund 602) is funded by a user fee. This fee is reviewed each budget cycle to confirm if the revenue generated by the current user fee is sufficient to support the budget of the Sanitary utility fund. In addition to the budgeted expenses and revenue the utility fund has debt covenants that need to be met which entails a debt coverage ratio of at least 1.25 times the debt service expense.

An analysis was done during the 2023 budget on a plan moving forward on how to control the rate yet continue the infrastructure improvements. We believe a gradual rate increase over the next three years will get to a level where most of the annual capital improvement project cost can be covered by the user fee and the debt coverage ratio will not have to be chased with raising the user fee.

With the 2023 increase, the Sanitary Fund covers the budget for 2023 and works toward the capital infrastructure plan we discussed during the budget presentation. The following ordinance governs the user rate for the Sanitary fund. This update will move the rate to \$8.00/100 cubic feet on January 1, 2023, and to \$8.75/100 cubic feet on July 1, 2023.

**CITY OF KAUKAUNA
ORDINANCE 1873-2022**

**ORDINANCE AMENDING SECTION 13.05(5)(A) AND 13.05(5)(B) AMOUNT OF
USER SURCHARGES**

WHEREAS, the Sanitary Utility (Fund 602) is funded by a user fee. This fee is reviewed each budget cycle to confirm if the revenue generated by the current user fee is sufficient to support the budget of the Sanitary utility fund.

WHEREAS, the 100 cubic foot rate of \$7.00 effective January 1, 2023, is insufficient to cover the 2023 budgeted expenditures of the sanitary utility; and

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: **AMENDMENT** “13.05 Sewer Utility” of the City of Kaukauna Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

13.05 Sewer Utility

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees, expressed as mg/l. Quantitative determination of BOD shall be made in accordance with procedures set forth in the standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called a house connection.

Category A means sanitary sewer users who discharge normal domestic wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Category B means sanitary sewer users who discharge wastewater with concentrations of BOD greater than 190 mg/l, suspended solids greater than 240 mg/l, or phosphorus greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in the standard methods.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

District refers to the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental, regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager or other authorized representatives of the district.

District wastewater collection facilities or district wastewater collection system means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

Easement means an acquired legal right for the specified use of land owned by others.

Floatable oil means 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 the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Grantee means the district, for those projects in which the district receives federal funding, or the city for those projects in which the city receives federal funding.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than two inches in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user. Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, and fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas, and sanitary services
Division I	Services

- b. Discharges in subsection 1 of this definition that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l BOD and 250 mg/l SS.

Industrial waste means wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

- a. Has a flow of 50,000 gallons or more per average workday;
- b. Has a flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;
- c. Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 147.07(1); or
- d. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its

effluent.

Municipal approving authority means the city engineer or his duly authorized representatives.

Municipality means the city.

Municipal wastewater collection facilities or municipal wastewater collection system means the city sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These city wastewater collection facilities, which are owned, operated, and maintained by the city, extend to the influent point of each of the metering stations.

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

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per million means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means persons, including any individual, firm, company, city, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH means the reciprocal of the logarithm of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen-ion concentration of ten to seven.

Public sewer means any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and process discharge wastes.

Sewage means the spent water of a community. See *Wastewater*.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall; may. The term "shall" is mandatory; the term "may" is permissible.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and that are removable by laboratory filtering as prescribed in the standard methods, and are referred to as nonfilterable residue.

Unpolluted water means 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.

Wastewater means the spent water of a community. From the standpoint of source, wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater collection facilities or system means the district and city wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. The term "wastewater treatment facility" is sometimes used as synonymous with waste treatment.

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

Wisconsin Pollutant Discharge Elimination System (WPDES) permit means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

2. Use of the public sewers.

- a. *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted wastes, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the district approving authority.
- b. *Storm sewers.* Stormwater, other than that exempted under subsection (2)(a) of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the district approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the district approving authority to a storm sewer, combined sewer, or natural outlet.
- c. *Prohibitions and limitations.* Except as provided in this subsection, no person shall discharge or cause to be discharged any of the following prescribed waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other

wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.

- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
- (4) Any waters or wastes having a pH in excess of 9.0.
- (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (6) The following described substances, materials, waters, or wastes shall be limited in discharges to city sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The district approving authority may set limitations lower than the limitations established in this section if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the district approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows:
 - (A) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 - (B) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
 - (C) Wastewater from industrial plants containing floatable oils, fat, or grease.
 - (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates

from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the district approving authority for such materials.
 - (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.
 - (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or federal regulations.
 - (H) Quantities of flow, concentrations or both which constitute slug, as defined in subsection (1) of this section.
 - (I) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (J) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
 - (K) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of wastes constituting slugs.
 - (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.
- (7) The city shall comply with all the appropriate requirements of the district's WPDES Permit No. WI-0031232-2 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the

modifications thereof.

- d. *Special arrangements.* No statement contained in this section shall be construed as prohibiting any special agreement between the district approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the district or city without recompense by the person, provided, further, that all rates and provisions set forth in this section are recognized and adhered to.
- e. *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

3. *Control of industrial wastes directed to public sewers.*

- a. *Submission of basic data.* Within three months after passage of the rules and regulations of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with the district approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be subsequently provided annually at a time specified by the district approving authority. The following forms or the information needed to complete them will be accepted:

- (1) Annual NR Effluent Reporting Form.

- (2) Form 3400-28 Industrial Waste Contribution to Municipal System.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the district approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The above shall comply with the WPDES Permit No. WI-0031232-2.

- b. *Extension of time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (3)(a) of this section, a request for extension of time may be presented to the district approving authority for consideration.
- c. *Industrial discharges.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (2) of this section and which, in the judgment of the district approving authority, have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the district approving authority may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;

- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (2)(d) of this section.

d. *Control manholes.*

- (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
- (2) Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
- (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in proper operating condition at all times. plans for installation of the control manholes or access facilities and related equipment shall be approved by the district approving authority prior to the beginning of construction.

e. *Measurement of flow.* The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility except as noted in subsections (f) and (g) of this section.

f. *Provision of deductions.* In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the district approving authority and the person.

g. *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the district approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the district approving authority.

h. *Waste sampling.*

- (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the district approving authority.
- (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished

either manually or by the use of mechanical equipment acceptable to the district approving authority.

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

i. *Pretreatment*. Where required, in the opinion of the district approving authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.

j. *Grease, oil and sand interceptors*. Grease, oil, and sand interceptors shall be provided when, in the opinion of the district approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (2)(c)6.c of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the district approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the district approving authority. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources practice.

k. *Analyses*.

- (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater," published by the American Public Health Association, and with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the district approving authority. The district approval authority may also make its own analyses on the

wastes and these determinations shall be binding as a basis for user charges and industrial cost recovery charges.

(A) *Submission of information.* Plans, specifications, and any other pertinent information relative to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the district approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

4. *Basis for sewer user charges.*

a. *Sewer users served by water utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.

b. *Sewer users served by private wells.* If any person discharging sewer into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall either:

(1) Have water meters installed by the water utility at his expense for the purpose of determining the volume of water obtained from these sources; or

(2) Be charged a flat user charge. This flat charge will be determined by computing the average monthly residential user charge.

The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

The water utility will charge, for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter.

Requests for a second meter or metered service must be made in writing to the district.

5. *Amount of user charges.*

a. *Category A.* Normal domestic wastewater having concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is as follows:

Volume charge: effective January 1, 2016, \$7.00 per 100 cubic feet shall be designated for sanitary sewer utility services.

b. *Category B.* Wastewater having concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, or phosphorous greater than 8 mg/l. The minimum category B charge will be based on a concentration of not less than 250 mg/l for BOD, 300 mg/l for suspended solids, and eight mg/l for phosphorus. The user charge for category B wastewater is as follows:

Volume charge: effective January 1, 2016, \$7.00 per 100 cubic feet shall be

designated for sanitary sewer utility services.

Surcharge:

BOD	Greater than 250 mg/l	\$0.309 per lb
Suspended solids	Greater than 300 mg/l	\$0.325 per lb
Phosphorus	Greater than 8 mg/l	\$6.577 per lb
Ammonia-N	Greater than 0 mg/l	\$0.913 per lb
Chlorides	Greater than 0 mg/l	\$0.004 per lb

The category B user charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the formula below:

$$C = F + (V \times C_V) + 0.00624V[(B \times C_B) + (S \times C_S) + (P \times C_P) + (A \times C_A) + (Cl \times C_C)]$$

Where:

C	Charge to sewer user for collection and treatment of wastewater
F	Fixed charge per billing period
B	Concentration of BOD in mg/l in the wastewater (concentration minus 250 mg/l equals B)
S	Concentration of suspended solids in mg/l in the wastewater (concentration minus 300 mg/l equals S)
P	Concentration of phosphorus in mg/l of wastewater (concentration minus 8 mg/l equals P)
A	Concentration of ammonia-N in mg/l of wastewater (concentration minus 0 mg/l equals A)
CI	Concentration of chlorides in mg/l of wastewater (concentration minus 0 mg/l equals CL)
V	Wastewater volume in 100 cubic feet for the billing period
C _V	Cost per 100 cubic feet
C _B	Cost per pound of BOD
C _S	Cost per pound of suspended solids
C _P	Cost per pound of phosphorus
C _A	Cost per pound of ammonia-N
C _C	Cost per pound of chlorides
0.00 624	Conversion factor

- c. *Reassignment of sewer users.* The district approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- d. *Replacement fund account.* The annual replacement revenues shall be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be

withdrawn from this account for the authorized use only with the approval of the district approving authority.

e. *Disposal of septic tank sludge and holding tank sewage.*

- (1) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for the permit shall be made to the district approving authority and shall state the name and address of the applicant, the number of its disposal units and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$25.00 per calendar year. The time and place of disposal will be designated by the district approving authority.
- (2) The district approving authority may impose such conditions as it deems necessary on any permit granted.
- (3) Any person disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
- (4) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person so disposing agrees that he will comply with the provisions of any applicable ordinances of the city and 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 other solid material to pass into any part of the sewerage system.
- (5) Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater collection and treatment facilities shall be charged at the rate established by the district and currently in effect.
- (6) Payments for disposal of septic tank sludge or holding tank sewage shall be made to the district at P.O. Box 187, Kaukauna, Wisconsin. If the material is disposed of into one of the city's sanitary sewers, the district shall credit the city for the full amount of the disposal charge.
- (7) The person disposing waste agrees to indemnify and hold harmless the city and district from any and all liability and claims for damages arising out of or resulting from work and labor performed.

f. *Minimum monthly fee.* A minimum monthly sewer user fee of \$3.00 per month per initial meter or sewer customer shall be charged in addition to the

fees as provided in this section.

- g. *Maximum sewer user fee for the summer months.* During the summer months of May through September, the maximum sewer user fee charged to residential customers during any month shall not exceed 120 percent of the average sewer user fee charged to the residence if occupied during the preceding winter months of October through April. If a user is in a new residence which does not have seven previous winter months user fees for averaging purposes, the user's winter average will be based on a citywide average established by the city utilities.

6. *Reserved.*

7. *Billing practice.*

- a. *Calculation of user charges.* User charges assessed to city sewer users shall be computed by the city according to the rates and formulas presented in subsection (5) of this section.
- b. *User charge billing period.* User charges shall be billed by the city to the sewer users on a monthly basis.
- c. *Payment of user charges.* Persons billed by the city for user charges shall pay such charges within 20 days after the billing date at the water department.
- d. *Penalty.* Such user charges levied by the city against the sewer users in accordance with this section shall be a debt due the city and shall be a lien upon the property. If this debt is not paid within 20 days after its due date, a three percent penalty shall be added thereto. In addition, the debt shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

8. *Right of entry, safety, and identification.*

- a. *Right of entry.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this section and Wis. Stats. § 200.11. The district and municipal approving authorities, or other duly authorized employees of the district and municipality, shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or wastewater treatment facilities.
- b. *Safety.* While performing the necessary work on private premises referred to in subsection (8)(a) of this section, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district or municipal employees, except as such may be caused by negligence or failure

of the person to maintain safe conditions as required in subsection (3)(d) of this section.

- c. *Identification, right to enter easements.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the district or the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of this duly negotiated easement.

9. *Sanitary sewer construction and sanitary sewer reconstruction.*

- a. *Purpose.* The city is undertaking the systematic reconstruction of the public sewer system lying within the corporate limits. Metering records taken by the Heart of the Valley Metropolitan Sewage District at the downstream end of the city's system indicate the presence of an abnormal amount of clear water entering into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users and causes system overloads that are manifested in reduced treatment plant capacity, environmental degradation, and the potential for flooded basements, all of which are detrimental to the citizens of the community. The city recognizes that its public sewer system has a finite life, and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public sewer system.
- b. *Work must be authorized.* No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the building inspector and, if any work will occur in the street right-of-way, a permit from the city engineer as provided in section 8.06(1).
- c. *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner, or property owner's representative shall indemnify the city for any loss or damage that may, directly or indirectly, be sustained by the city or third parties by installation of the building sewer. The original installation of the sanitary sewer mains and lateral connections by contractors hired by the city are paid for by special assessment. Reconstruction of sanitary sewer mains is paid by the city. All costs of repairs or reconstruction of private building sewers and of establishment of a new connection to an existing public sewer are the responsibility of the property owner. The property owner shall restore all public property disturbed in the course of work in a manner satisfactory to the city engineer.
- d. *New construction inspection.* No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the city. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon

the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. Connections to the sewer mains shall be four inches in diameter unless otherwise permitted or required by the plumbing inspector.

- e. *Use of old building sewers.* In areas which are undergoing sanitary sewer reconstruction, old building sewers are deemed deficient unless otherwise established by qualified testing results provided by the property owner to the plumbing inspector.
- f. *Building sewer grade.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the building sewer.
- g. *Stormwater and groundwater drain prohibition.*

- (1) No person shall discharge, or cause to be discharged, into any sanitary sewer any stormwater, surface water, groundwater, roof run-off, subsurface drainage, or uncontaminated cooling waters. All stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever reasonably available; provided, further, that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.

- (2) All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer wherever available or, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump discharge to grade shall be allowed to flow on or across a public sidewalk or onto adjoining properties, except within a stormwater easement.

- (3) In carrying out the provisions of this section, the city engineer or the plumbing inspector or his designated representatives shall have authority to enter upon private premises at reasonable times to determine whether any of the water drainage described in this subsection (g) exists thereon and whether such drainage complies with the provisions of this section. In carrying out this authority, the city engineer, plumbing inspector or other authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.

- (4) Presumptive violations. It shall be rebuttably presumed that clear water is being discharged into the sanitary sewer if:

- (A) Existing sump pumps or other means of clear water discharge are, or can be readily connected to drains, pipes, or other

mechanisms of discharge which are connected to the sanitary sewer drain serving the premises.

- (B) After due notice and request to the owner for inspection access, as provided in subsection (9)(g)3 of this section, the request is ignored or denied by the property owner.
- (5) Sump pump discharge to grade shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 of each year.
- (6) Where existing drain tile is not in compliance with Wis. Admin. Code § SPS 321.17(e), such tile shall be brought into compliance with the requirements of Wis. Admin. Code § SPS 321.17(e).
- h. *Conformance to plumbing codes.* The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city or the procedures set forth in appropriate specifications of the latest edition of the state plumbing codes. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.
- i. *System reconstruction.*
 - (1) *Inspection required.* The city engineer or plumbing inspector shall inspect all private connections to the public mains at the time that the public system is to be reconstructed:
 - (A) Any existing private sewer lateral not meeting the requirements of this section shall be considered illegal.
 - (B) Prior to the actual reconstruction of the sanitary sewer system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.
 - (C) As the reconstruction progresses, the city engineer or plumbing inspector shall inspect each private sewer connection for conformance with this section or, in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.
 - (D) In the event that the private system meets the requirements of this section, the city shall reconnect the private system to the public system at an appropriate point near the right-of-way line.
 - (E) In the event that the private sewer is found not to meet the requirements of this section, the city engineer or plumbing inspector shall immediately notify the owner, in writing, of the determined deficiencies.
 - (2) *Owner to correct deficiencies.* The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
 - (A) Contract with a licensed contractor to complete the repair. All

work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice of deficiency under subsection (9)(i)1.e of this section, proof of arrangements for repair shall be provided to the city engineer or building inspector and within 30 days of the giving of notice the repairs shall be completed.

- (B) Have the city contractors, if available, complete the repair.
 - (a) The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building sewers.
 - (b) If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest as provided in section 8.03(2)(i).

j. *System requirements; new construction and system reconstruction.*

- (1) *Minimum standards.* All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.
- (2) *Code compliance.* All work, construction techniques, and materials incorporated into the project shall be in strict conformance with state and local codes and the "Standard Specifications for Sewer and Water Construction in Wisconsin," (current edition).
- (3) *Defects requiring repair.* Repairs to sanitary sewer laterals are required when any of the following are discovered:
 - (A) Any visible leak.
 - (B) Open, improperly formed, or root-intruded joints.
 - (C) Use of improper materials, such as clay, transite, Orangeburg pipe or similar materials.
 - (D) Improper connections, such as a palmer valve.

k. *Required clear water inspections of residential properties.*

- (1) No person shall sell, transfer or convey ownership of any one- or two-family residential building that is serviced by sanitary sewer until such time as a clear water inspection has been made and compliance approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to penalties as set forth in section 13.10. Transfers exempt from payment of a state real estate transfer fee by Wis. Stats. § 77.25 are exempt from this inspection.
- (2) The building inspection department shall, upon request, conduct an inspection of the premises to determine compliance with the

provisions of this section as they relate to illegal surface water and groundwater connections into the sanitary sewer system. Such inspections shall occur prior to the sale, transfer or conveyance of title of any such building.

- (3) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any residential building to be found not in compliance with the provisions of this section. This notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.
- (4) In order to avoid delay or prevent sale of a property affected by this section, a buyer or transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with this section, along with evidence that adequate funds have been escrowed to complete the work. Compliance shall be met within the time limits set forth in subsection (9)k.3 of this section. Also, a stipulation signed by the buyer or transferee shall be filed agreeing to bring the property into compliance with this section within the applicable time limits. The evidence and stipulation may only be filed after the inspection provided in subsection (9)k.2 of this section, is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall subject the buyer or transferee to the penalties as set forth in section 13.10.
- (5) An inspection finding compliance only indicates that, so far as can be reasonably determined by visual inspection of the premises and review of city records, the premises meets the requirements of this section. Neither the city nor its inspectors assume any liability in the inspection findings, whether compliant or not, and there is no guarantee or warranty of the condition of the premises inspected.
- (6) The city will not be liable for any unsafe or unsanitary condition that may exist in any building that is being inspected for clear water compliance. However, if such conditions exist and are noticed by an inspector, orders to correct such conditions may be issued pursuant to applicable chapters of this Code.

10. *Violations, abatement procedures, and penalties.*

- a. *Violations.* Violation of any provision of this section or any other rule or order lawfully promulgated by the city council shall be deemed a public nuisance.
- b. *Enforcement.* The municipal approving authority shall enforce those provisions of this section that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged

- to exist and shall have satisfied himself that a nuisance does in fact exist.
- c. *Summary abatement.* If the municipal approving authority determines that a public nuisance exists within the city and that there is great and immediate danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
 - d. *Abatement after notice.* If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (10)(c) of this section.
 - e. *Violation service charge.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding repair of deficient laterals, preventing the inflow of clear water into the sanitary sewer system or connecting to available storm sewer laterals, the city engineer may, no sooner than 30 days after the giving of notice as provided in subsection (9)(i)1.e of this section, notify the city finance department to bill, or arrange for billing of, the owner of the property in noncompliance a service charge of \$50.00 per month, pursuant to Wis. Stats. § 66.0821.
 - f. *Other methods not excluded.* Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its official in accordance with the laws of the state.
 - g. *Court order.* Except when necessary under subsection (10)(c) of this section, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
 - h. *Cost of abatement.* In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.
 - i. *Continued violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
 - j. *Liability to city and district for losses.*
 - (1) Any person violating any provisions of this section shall become

liable to the city and district for any expense, loss, or damage occasioned by reason of such violation which the city and district may suffer as a result thereof.

- (2) If any violations affect the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the city according to the district's rules and regulations.
- (3) The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

11. *Appeals; procedures.*

- a. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including a cease and desist order, made by the municipal approving authority interpreting or implementing the provisions of this section, or in any permit issued in this section, may file with the municipal approving authority a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The municipal approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the municipal approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the board of public works.
- b. A fee in the amount established by the city council shall accompany any appeal to the board of public works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- c. The written appeal shall be heard by the board of public works within 30 days from the date of filing. The board of public works shall make a final ruling on the appeal within 60 days from the date of filing.

12. *Validity.*

- a. *Superseding previous ordinances.* This section governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall supersede all previous ordinances.
- b. *Amendments.* The city, through its duly authorized officers, reserves the right to amend this section, in part or in whole, whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment. Notice of the proposed changes and hearing thereon shall be published as a Class 2 notice under Wis. Stats. ch. 985.
- c. *Conflict with district's rules and regulations.* If any provisions of the rules and regulations of the district are in conflict with this section, the more strict of the two shall control.

13. *Annual audit.* The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge

system, and to ensure that adequate revenues are available to meet the charges assessed to the city by the district. Copies of the city annual audit reports shall be submitted to the district approving authority after the city annual audits have been completed.

(Code 2011, § 13.05; Ord. No. 1680, 10-16-2012; Ord. No. 1705, 12-16-2014; Ord. No. 1723, 12-15-2015; Ord. No. 1784, 3-5-2019)

AFTER AMENDMENT

13.05 Sewer Utility

1. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees, expressed as mg/l. Quantitative determination of BOD shall be made in accordance with procedures set forth in the standard methods.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called a house connection.

Category A means sanitary sewer users who discharge normal domestic wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Category B means sanitary sewer users who discharge wastewater with concentrations of BOD greater than 190 mg/l, suspended solids greater than 240 mg/l, or phosphorus greater than eight mg/l.

Chlorine requirement means the amount of chlorine, in mg/l, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in the standard methods.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, pH, or fecal coliform bacteria, plus additional pollutants identified in the

WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

District refers to the Heart of the Valley Metropolitan Sewerage District (HOVMSD), a multigovernmental, regional district supervised and regulated by the Heart of the Valley Metropolitan Sewerage Commission.

District approving authority means the district engineer/manager or other authorized representatives of the district.

District wastewater collection facilities or district wastewater collection system means the district interceptor sewer and the metering stations, both of which are owned, operated, and maintained by the HOVMSD.

Easement means an acquired legal right for the specified use of land owned by others.

Floatable oil means 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 the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

Grantee means the district, for those projects in which the district receives federal funding, or the city for those projects in which the city receives federal funding.

Ground garbage means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than two inches in any dimension.

Heart of the Valley Metropolitan Sewerage Commission means the sovereign governing body of the Heart of the Valley Metropolitan Sewerage District.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial user. Per Federal Register, Vol. 43, No. 188, September 27, 1978, quoted as follows:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial

Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A	Agriculture, forestry, and fishing
Division B	Mining
Division D	Manufacturing
Division E	Transportation, communications, electric, gas, and sanitary services
Division I	Services

- b. Discharges in subsection 1 of this definition that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users and containing 200 mg/l BOD and 250 mg/l SS.

Industrial waste means wastewater from industrial process, trade, or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

- Has a flow of 50,000 gallons or more per average workday;
- Has a flow greater than five percent of the flow carried by the wastewater collection and treatment facilities receiving the waste;
- Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. § 147.07(1); or
- Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.

Municipal approving authority means the city engineer or his duly authorized representatives.

Municipality means the city.

Municipal wastewater collection facilities or municipal wastewater collection system means the city sewer systems, structures, equipment, and processes required to collect and carry away wastewater. These city wastewater collection facilities, which are owned, operated, and maintained by the city, extend to the influent point of each of the metering stations.

Natural outlet means any outlet, including storm sewers and combined sewer that

overflows into a watercourse, pond, ditch, lake, or other body of surface water or groundwaters.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 190 mg/l, suspended solids no greater than 240 mg/l, and phosphorus no greater than eight mg/l.

Operation and maintenance costs means all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per million means a weight-to-weight ratio. The parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Person means persons, including any individual, firm, company, city, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.

pH means the reciprocal of the logarithm of the hydrogen-concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7.0 and a hydrogen-ion concentration of ten to seven.

Public sewer means any publicly owned sewer, storm drain, sanitary sewer, or combined sewer.

Replacement costs means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the wastewater treatment facility to maintain the service life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities, together with such groundwaters, surface waters, and stormwaters as may be present.

Sanitary sewer means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwaters, stormwaters, and surface waters that are not admitted intentionally.

Segregated domestic wastes means wastes from residential sources resulting from normal domestic activities which are measurable and set apart from industrial, trade, cooling water, and process discharge wastes.

Sewage means the spent water of a community. See *Wastewater*.

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall; may. The term "shall" is mandatory; the term "may" is permissible.

Slug means any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration of flows during normal operation, and shall adversely affect the system and performance of the wastewater treatment works.

Standard methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm drain or storm sewer means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Stormwater runoff means that portion of the rainfall that is drained into the sewers.

Suspended solids means solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids and that are removable by laboratory filtering as prescribed in the standard methods, and are referred to as nonfilterable residue.

Unpolluted water means 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

User charge means a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of the facilities.

Wastewater means the spent water of a community. From the standpoint of source, wastewater may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Wastewater collection facilities or system means the district and city wastewater collection facilities.

Wastewater treatment facility means an arrangement of devices and structures for

treating wastewater, industrial wastes, and sludge. The term "wastewater treatment facility" is sometimes used as synonymous with waste treatment.

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

Wisconsin Pollutant Discharge Elimination System (WPDES) permit means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the district's wastewater treatment facility. WPDES Permit No. WI-0031232-2 and modifications thereof pertain to the district's wastewater treatment facility.

2. *Use of the public sewers.*

- a. *Sanitary sewers.* No person shall discharge or cause to be discharged any unpolluted wastes, such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water, to any sanitary sewer. Stormwater runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the district approving authority.
- b. *Storm sewers.* Stormwater, other than that exempted under subsection (2)(a) of this section, and all other unpolluted drainage, shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the district approving authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged on approval of the district approving authority to a storm sewer, combined sewer, or natural outlet.
- c. *Prohibitions and limitations.* Except as provided in this subsection, no person shall discharge or cause to be discharged any of the following prescribed waters or wastes to any public sewer:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, or create a public nuisance in the receiving waters of the wastewater treatment facility.
 - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.
 - (4) Any waters or wastes having a pH in excess of 9.0.
 - (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails,

and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (6) The following described substances, materials, waters, or wastes shall be limited in discharges to city sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limb, or public property, or constitute a nuisance. The district approving authority may set limitations lower than the limitations established in this section if, in his opinion, more severe limitations are necessary to meet the objectives of this section. In forming his opinion as to the acceptability, the district approving authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewers which shall not be violated without approval of the district approving authority are as follows:

- (A) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- (B) Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
- (C) Wastewater from industrial plants containing floatable oils, fat, or grease.
- (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment facility exceeds the limits established by the district approving authority for such materials.
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the district approving authority.
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district approving authority in compliance with applicable state or

federal regulations.

- (H) Quantities of flow, concentrations or both which constitute slug, as defined in subsection (1) of this section.
- (I) Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (J) Any water or wastes which, by interaction with other water or wastes in the sanitary sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (K) Materials which exert or cause:
 - (a) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
 - (b) Unusual volume of flow or concentration of wastes constituting slugs.
 - (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.

(7) The city shall comply with all the appropriate requirements of the district's WPDES Permit No. WI-0031232-2 and of all modifications thereof. No discharge shall be allowed into the sanitary sewers that is in violation of the requirements of the WPDES permit and the modifications thereof.

- d. *Special arrangements.* No statement contained in this section shall be construed as prohibiting any special agreement between the district approving authority and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the district or city without recompense by the person, provided, further, that all rates and provisions set forth in this section are recognized and adhered to.
- e. *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

3. *Control of industrial wastes directed to public sewers.*

- a. *Submission of basic data.* Within three months after passage of the rules and

regulations of the district, each person who discharges industrial wastes to a public sewer shall prepare and file with the district approving authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data shall be subsequently provided annually at a time specified by the district approving authority. The following forms or the information needed to complete them will be accepted:

- (1) Annual NR Effluent Reporting Form.
- (2) Form 3400-28 Industrial Waste Contribution to Municipal System.

Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the district approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. The above shall comply with the WPDES Permit No. WI-0031232-2.

- b. *Extension of time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (3)(a) of this section, a request for extension of time may be presented to the district approving authority for consideration.
- c. *Industrial discharges.* If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (2) of this section and which, in the judgment of the district approving authority, have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the district approving authority may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge; or
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (2)(d) of this section.
- d. *Control manholes.*
 - (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of his wastes, including domestic sewage.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the district approving authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the district approving authority.
 - (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, accessible, and in

proper operating condition at all times. plans for installation of the control manholes or access facilities and related equipment shall be approved by the district approving authority prior to the beginning of construction.

- e. *Measurement of flow.* The volume of flow used for computing industrial waste collection and treatment charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the water utility except as noted in subsections (f) and (g) of this section.
- f. *Provision of deductions.* In the event that a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the district approving authority that more than 20 percent of the total annual volume of water used for all purposes does not reach the sanitary sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the sanitary sewer may be made a matter of agreement between the district approving authority and the person.
- g. *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the district approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the district approving authority.
- h. *Waste sampling.*
 - (1) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes. The determination shall be made by the industry as often as may be deemed necessary by the district approving authority.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the district approving authority.
 - (3) Installation, operation, and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the district approving authority. Access to sampling locations shall be granted to the district approving authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- i. *Pretreatment.* Where required, in the opinion of the district approving authority, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the sanitary sewers.
- j. *Grease, oil and sand interceptors.* Grease, oil, and sand interceptors shall be

provided when, in the opinion of the district approving authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (2)(c)6.c of this section, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the district approving authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the district approving authority. Disposal of the collected materials performed by the owner's personnel or currently licensed waste disposal firms must be in accordance with currently acceptable department of natural resources practice.

k. *Analyses.*

- (1) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods of Examination of Water and Wastewater," published by the American Public Health Association, and with 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the district approving authority.
- (2) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the district approving authority. The district approval authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for user charges and industrial cost recovery charges.

(A) *Submission of information.* Plans, specifications, and any other pertinent information relative to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the district approving authority prior to the start of construction if the effluent from such facilities is to be discharged into the public sewers.

4. *Basis for sewer user charges.*

- a. *Sewer users served by water utility water meters.* There is hereby levied and assessed upon each lot, parcel of land, building, or premises having a connection with the wastewater system and being served with water solely by the water utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the water utility water meter used upon the premises.
- b. *Sewer users served by private wells.* If any person discharging sewer into the public sanitary sewer system procures any part or all of his water from sources

other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall either:

- (1) Have water meters installed by the water utility at his expense for the purpose of determining the volume of water obtained from these sources; or
- (2) Be charged a flat user charge. This flat charge will be determined by computing the average monthly residential user charge.

The water meters shall be furnished by the water utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

The water utility will charge, for each meter, a rental charge set by the water utility to compensate for the cost of furnishing and servicing the meter.

Requests for a second meter or metered service must be made in writing to the district.

5. *Amount of user charges.*

- a. *Category A.* Normal domestic wastewater having concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 300 mg/l, and phosphorus no greater than eight mg/l. The user charge for Category A wastewater is as follows:

Volume charge: effective January 1, 2016~~23~~²³, \$78.00~~75~~ per 100 cubic feet shall be designated for sanitary sewer utility services.

- b. *Category B.* Wastewater having concentrations of BOD greater than 250 mg/l, suspended solids greater than 300 mg/l, or phosphorous greater than 8 mg/l. The minimum category B charge will be based on a concentration of not less than 250 mg/l for BOD, 300 mg/l for suspended solids, and eight mg/l for phosphorus. The user charge for category B wastewater is as follows:

Volume charge: effective January~~uly~~^{uly} 1, 2016~~23~~²³, \$78.00~~75~~⁷⁵ per 100 cubic feet shall be designated for sanitary sewer utility services.

Surcharge:

BOD	Greater than 250 mg/l	\$0.309 per lb
Suspended solids	Greater than 300 mg/l	\$0.325 per lb
Phosphorus	Greater than 8 mg/l	\$6.577 per lb
Ammonia-N	Greater than 0 mg/l	\$0.913 per lb
Chlorides	Greater than 0 mg/l	\$0.004 per lb

The category B user charges for volume, BOD, suspended solids, and phosphorus shall be computed in accordance with the formula below:

$$C = F + (V \times C_V) + 0.00624V[(B \times C_B) + (S \times C_S) + (P \times C_P) + (A \times C_A)]$$

$$A) + (CI \times C_C)]$$

Where:

C	Charge to sewer user for collection and treatment of wastewater
F	Fixed charge per billing period
B	Concentration of BOD in mg/l in the wastewater (concentration minus 250 mg/l equals B)
S	Concentration of suspended solids in mg/l in the wastewater (concentration minus 300 mg/l equals S)
P	Concentration of phosphorus in mg/l of wastewater (concentration minus 8 mg/l equals P)
A	Concentration of ammonia-N in mg/l of wastewater (concentration minus 0 mg/l equals A)
CI	Concentration of chlorides in mg/l of wastewater (concentration minus 0 mg/l equals CL)
V	Wastewater volume in 100 cubic feet for the billing period
C _V	Cost per 100 cubic feet
C _B	Cost per pound of BOD
C _S	Cost per pound of suspended solids
C _P	Cost per pound of phosphorus
C _A	Cost per pound of ammonia-N
C _C	Cost per pound of chlorides
0.00 624	Conversion factor

- c. *Reassignment of sewer users.* The district approving authority will reassign sewer users into appropriate user charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.
- d. *Replacement fund account.* The annual replacement revenues shall be maintained in a separate account by the district to be used solely for the purpose of purchasing replacement parts and equipment. Funds may be withdrawn from this account for the authorized use only with the approval of the district approving authority.
- e. *Disposal of septic tank sludge and holding tank sewage.*

- (1) No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the district approving authority. Written application for the permit shall be made to the district approving authority and shall state the name and address of the applicant, the number of its disposal units and the make, model, and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The permit may be obtained upon payment of a fee of \$25.00 per calendar year. The time and place of disposal will be designated by the district approving authority.
 - (2) The district approving authority may impose such conditions as it deems necessary on any permit granted.
 - (3) Any person disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than \$100,000.00 to protect any and all persons or property from injury and damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person shall furnish a certificate certifying such insurance to be in full force and effect.
 - (4) All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person so disposing agrees that he will comply with the provisions of any applicable ordinances of the city and 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 other solid material to pass into any part of the sewerage system.
 - (5) Persons with a permit for disposing of septic tank sludge or holding tank sewage into the wastewater collection and treatment facilities shall be charged at the rate established by the district and currently in effect.
 - (6) Payments for disposal of septic tank sludge or holding tank sewage shall be made to the district at P.O. Box 187, Kaukauna, Wisconsin. If the material is disposed of into one of the city's sanitary sewers, the district shall credit the city for the full amount of the disposal charge.
 - (7) The person disposing waste agrees to indemnify and hold harmless the city and district from any and all liability and claims for damages arising out of or resulting from work and labor performed.
- f. *Minimum monthly fee.* A minimum monthly sewer user fee of \$3.00 per month per initial meter or sewer customer shall be charged in addition to the fees as provided in this section.
- g. *Maximum sewer user fee for the summer months.* During the summer months of May through September, the maximum sewer user fee charged to

residential customers during any month shall not exceed 120 percent of the average sewer user fee charged to the residence if occupied during the preceding winter months of October through April. If a user is in a new residence which does not have seven previous winter months user fees for averaging purposes, the user's winter average will be based on a citywide average established by the city utilities.

6. *Reserved.*

7. *Billing practice.*

- a. *Calculation of user charges.* User charges assessed to city sewer users shall be computed by the city according to the rates and formulas presented in subsection (5) of this section.
- b. *User charge billing period.* User charges shall be billed by the city to the sewer users on a monthly basis.
- c. *Payment of user charges.* Persons billed by the city for user charges shall pay such charges within 20 days after the billing date at the water department.
- d. *Penalty.* Such user charges levied by the city against the sewer users in accordance with this section shall be a debt due the city and shall be a lien upon the property. If this debt is not paid within 20 days after its due date, a three percent penalty shall be added thereto. In addition, the debt shall be deemed delinquent and may be placed on the next year's tax roll and be collected as other taxes are collected. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating this penalty.

8. *Right of entry, safety, and identification.*

- a. *Right of entry.* The district and municipal approving authorities or other duly authorized employees of the district and municipality, bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, or testing, all in accordance with the provisions of this section and Wis. Stats. § 200.11. The district and municipal approving authorities, or other duly authorized employees of the district and municipality, shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways, or wastewater treatment facilities.
- b. *Safety.* While performing the necessary work on private premises referred to in subsection (8)(a) of this section, the duly authorized district and municipal employees shall observe all safety rules applicable to the premises established by the person, and the district or municipality shall indemnify the person against loss or damage for personal injury or property damage asserted against the person and growing out of gauging and sampling operation, and indemnify the person against loss or damage to its property by district or municipal employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in subsection (3)(d) of this section.
- c. *Identification, right to enter easements.* The district and municipal approving authorities or other duly authorized employees of the district and municipality,

bearing proper credentials and identification, shall be permitted to enter all private properties through which the district or the municipality holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of this duly negotiated easement.

9. *Sanitary sewer construction and sanitary sewer reconstruction.*

- a. *Purpose.* The city is undertaking the systematic reconstruction of the public sewer system lying within the corporate limits. Metering records taken by the Heart of the Valley Metropolitan Sewage District at the downstream end of the city's system indicate the presence of an abnormal amount of clear water entering into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users and causes system overloads that are manifested in reduced treatment plant capacity, environmental degradation, and the potential for flooded basements, all of which are detrimental to the citizens of the community. The city recognizes that its public sewer system has a finite life, and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public sewer system.
- b. *Work must be authorized.* No person shall uncover, make any connections with or opening into, use, alter, or disturb the sanitary sewer appurtenance thereof without first obtaining a written permit from the building inspector and, if any work will occur in the street right-of-way, a permit from the city engineer as provided in section 8.06(1).
- c. *Cost of sewer connection.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. The property owner, or property owner's representative shall indemnify the city for any loss or damage that may, directly or indirectly, be sustained by the city or third parties by installation of the building sewer. The original installation of the sanitary sewer mains and lateral connections by contractors hired by the city are paid for by special assessment. Reconstruction of sanitary sewer mains is paid by the city. All costs of repairs or reconstruction of private building sewers and of establishment of a new connection to an existing public sewer are the responsibility of the property owner. The property owner shall restore all public property disturbed in the course of work in a manner satisfactory to the city engineer.
- d. *New construction inspection.* No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the plumbing inspector or some other person authorized to make such inspection by the city. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. Connections to the sewer mains shall be four inches in diameter unless

otherwise permitted or required by the plumbing inspector.

- e. *Use of old building sewers.* In areas which are undergoing sanitary sewer reconstruction, old building sewers are deemed deficient unless otherwise established by qualified testing results provided by the property owner to the plumbing inspector.
- f. *Building sewer grade.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage shall be lifted by an approved means and discharged to the building sewer.
- g. *Stormwater and groundwater drain prohibition.*
 - (1) No person shall discharge, or cause to be discharged, into any sanitary sewer any stormwater, surface water, groundwater, roof run-off, subsurface drainage, or uncontaminated cooling waters. All stormwater, surface water, groundwater, roof run-off, subsurface drainage, uncontaminated cooling water, and all other unpolluted drainage and clear water shall be discharged into such sewers as are designated as storm sewers wherever reasonably available; provided, further, that if no storm sewer is available, in no event shall any of such waters be discharged into any sanitary sewer.
 - (2) All sump pumps installed for the purpose of discharging clear waters from foundation drains, basement drains and ground infiltration shall discharge into a storm sewer wherever available or, if no storm sewer is available, shall discharge into an underground conduit leading to a drainage ditch, gutter, drywell or onto the ground at a point which is not less than three feet from the building and is above permanent grade. No sump pump discharge to grade shall be allowed to flow on or across a public sidewalk or onto adjoining properties, except within a stormwater easement.
 - (3) In carrying out the provisions of this section, the city engineer or the plumbing inspector or his designated representatives shall have authority to enter upon private premises at reasonable times to determine whether any of the water drainage described in this subsection (g) exists thereon and whether such drainage complies with the provisions of this section. In carrying out this authority, the city engineer, plumbing inspector or other authorized department employee shall comply with the provisions of Wis. Stats. § 66.0119, if applicable.
 - (4) Presumptive violations. It shall be rebuttably presumed that clear water is being discharged into the sanitary sewer if:
 - (A) Existing sump pumps or other means of clear water discharge are, or can be readily connected to drains, pipes, or other mechanisms of discharge which are connected to the sanitary sewer drain serving the premises.
 - (B) After due notice and request to the owner for inspection

access, as provided in subsection (9)(g)3 of this section, the request is ignored or denied by the property owner.

(5) Sump pump discharge to grade shall be directed to flow to the backyard in all cases commencing November 15 and continuing until April 15 of each year.

(6) Where existing drain tile is not in compliance with Wis. Admin. Code § SPS 321.17(e), such tile shall be brought into compliance with the requirements of Wis. Admin. Code § SPS 321.17(e).

h. *Conformance to plumbing codes.* The connection of the building sewer into the sanitary sewer shall conform to the requirements of the city or the procedures set forth in appropriate specifications of the latest edition of the state plumbing codes. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the plumbing inspector before installation.

i. *System reconstruction.*

(1) *Inspection required.* The city engineer or plumbing inspector shall inspect all private connections to the public mains at the time that the public system is to be reconstructed:

(A) Any existing private sewer lateral not meeting the requirements of this section shall be considered illegal.

(B) Prior to the actual reconstruction of the sanitary sewer system, each property owner shall be given written notice of the project. Such notice shall be made not less than 30 days prior to commencement of the actual work.

(C) As the reconstruction progresses, the city engineer or plumbing inspector shall inspect each private sewer connection for conformance with this section or, in the event inspection has been made previously, determine the condition of the private sewer connection from inspection records.

(D) In the event that the private system meets the requirements of this section, the city shall reconnect the private system to the public system at an appropriate point near the right-of-way line.

(E) In the event that the private sewer is found not to meet the requirements of this section, the city engineer or plumbing inspector shall immediately notify the owner, in writing, of the determined deficiencies.

(2) *Owner to correct deficiencies.* The owner shall, at the owner's expense, make the necessary repairs to correct the deficiencies. In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:

(A) Contract with a licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner. Within 30 days of the giving of notice

of deficiency under subsection (9)(i)1.e of this section, proof of arrangements for repair shall be provided to the city engineer or building inspector and within 30 days of the giving of notice the repairs shall be completed.

- (B) Have the city contractors, if available, complete the repair.
 - (a) The city may, as part of any project, request unit bid prices for the calculation of the cost of making appropriate repair to the private building sewers.
 - (b) If available, and should the owner select this option, the owner will be charged the entire cost of making the repair. The owner may elect to pay the entire amount upon completion of the work, or the owner may request to be billed in ten annual installments or less plus interest as provided in section 8.03(2)(i).

j. *System requirements; new construction and system reconstruction.*

- (1) *Minimum standards.* All sanitary sewer mains and laterals, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.
- (2) *Code compliance.* All work, construction techniques, and materials incorporated into the project shall be in strict conformance with state and local codes and the "Standard Specifications for Sewer and Water Construction in Wisconsin," (current edition).
- (3) *Defects requiring repair.* Repairs to sanitary sewer laterals are required when any of the following are discovered:
 - (A) Any visible leak.
 - (B) Open, improperly formed, or root-intruded joints.
 - (C) Use of improper materials, such as clay, transite, Orangeburg pipe or similar materials.
 - (D) Improper connections, such as a palmer valve.

k. *Required clear water inspections of residential properties.*

- (1) No person shall sell, transfer or convey ownership of any one- or two-family residential building that is serviced by sanitary sewer until such time as a clear water inspection has been made and compliance approved by the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such an inspection shall constitute a violation of this section and shall be subject to penalties as set forth in section 13.10. Transfers exempt from payment of a state real estate transfer fee by Wis. Stats. § 77.25 are exempt from this inspection.
- (2) The building inspection department shall, upon request, conduct an inspection of the premises to determine compliance with the provisions of this section as they relate to illegal surface water and groundwater connections into the sanitary sewer system. Such inspections shall occur prior to the sale, transfer or conveyance of title

of any such building.

- (3) A notice of noncompliance shall be issued by the building inspection department to the owner of record of any residential building to be found not in compliance with the provisions of this section. This notice shall set forth areas of noncompliance and shall order the owner to bring the building into compliance within an established period of time.
- (4) In order to avoid delay or prevent sale of a property affected by this section, a buyer or transferee may file with the building inspection department evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with this section, along with evidence that adequate funds have been escrowed to complete the work. Compliance shall be met within the time limits set forth in subsection (9)k.3 of this section. Also, a stipulation signed by the buyer or transferee shall be filed agreeing to bring the property into compliance with this section within the applicable time limits. The evidence and stipulation may only be filed after the inspection provided in subsection (9)k.2 of this section, is made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this section and shall subject the buyer or transferee to the penalties as set forth in section 13.10.
- (5) An inspection finding compliance only indicates that, so far as can be reasonably determined by visual inspection of the premises and review of city records, the premises meets the requirements of this section. Neither the city nor its inspectors assume any liability in the inspection findings, whether compliant or not, and there is no guarantee or warranty of the condition of the premises inspected.
- (6) The city will not be liable for any unsafe or unsanitary condition that may exist in any building that is being inspected for clear water compliance. However, if such conditions exist and are noticed by an inspector, orders to correct such conditions may be issued pursuant to applicable chapters of this Code.

10. *Violations, abatement procedures, and penalties.*

- a. *Violations.* Violation of any provision of this section or any other rule or order lawfully promulgated by the city council shall be deemed a public nuisance.
- b. *Enforcement.* The municipal approving authority shall enforce those provisions of this section that come within the jurisdiction of his office, and he shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the municipal approving authority shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself that a nuisance does in fact exist.
- c. *Summary abatement.* If the municipal approving authority determines that a public nuisance exists within the city and that there is great and immediate

danger to the public health, safety, peace, morals, or decency, the municipal approving authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.

- d. *Abatement after notice.* If the municipal approving authority determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals, or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten days. If such nuisance is not removed within ten days, the proper officer shall cause the nuisances to be removed as provided in subsection (10)(c) of this section.
- e. *Violation service charge.* As an alternative to any other methods provided for obtaining compliance with the requirements of this Code regarding repair of deficient laterals, preventing the inflow of clear water into the sanitary sewer system or connecting to available storm sewer laterals, the city engineer may, no sooner than 30 days after the giving of notice as provided in subsection (9)(i)1.e of this section, notify the city finance department to bill, or arrange for billing of, the owner of the property in noncompliance a service charge of \$50.00 per month, pursuant to Wis. Stats. § 66.0821.
- f. *Other methods not excluded.* Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the city or its official in accordance with the laws of the state.
- g. *Court order.* Except when necessary under subsection (10)(c) of this section, the municipal approving authority shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.
- h. *Cost of abatement.* In addition to any other penalty imposed by this section for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the city shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance, and such cost shall be assessed against the real estate as a special charge.
- i. *Continued violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.
- j. *Liability to city and district for losses.*
 - (1) Any person violating any provisions of this section shall become liable to the city and district for any expense, loss, or damage occasioned by reason of such violation which the city and district may

suffer as a result thereof.

- (2) If any violations affect the district wastewater collection and treatment facilities, as well as the municipal sanitary sewer system, the district may penalize the violator independently and concurrently with the city according to the district's rules and regulations.
- (3) The district approving authority must be notified immediately by any person becoming aware of any violations that occur.

11. *Appeals; procedures.*

- a. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including a cease and desist order, made by the municipal approving authority interpreting or implementing the provisions of this section, or in any permit issued in this section, may file with the municipal approving authority a written request for reconsideration within ten days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The municipal approving authority shall render a decision on the request for reconsideration to the user, permit applicant, or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the municipal approving authority is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the board of public works.
- b. A fee in the amount established by the city council shall accompany any appeal to the board of public works for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.
- c. The written appeal shall be heard by the board of public works within 30 days from the date of filing. The board of public works shall make a final ruling on the appeal within 60 days from the date of filing.

12. *Validity.*

- a. *Superseding previous ordinances.* This section governing sewer use, industrial wastewater discharges, user charges, and sewer connections and construction shall supersede all previous ordinances.
- b. *Amendments.* The city, through its duly authorized officers, reserves the right to amend this section, in part or in whole, whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and after proper hearing on the proposed amendment. Notice of the proposed changes and hearing thereon shall be published as a Class 2 notice under Wis. Stats. ch. 985.
- c. *Conflict with district's rules and regulations.* If any provisions of the rules and regulations of the district are in conflict with this section, the more strict of the two shall control.

13. *Annual audit.* The city shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion between users and user classes of the user charge system, and to ensure that adequate revenues are available to meet the charges assessed to the city by the district. Copies of the city annual audit reports shall be submitted to the district approving authority after the city annual audits have been

completed.

(Code 2011, § 13.05; Ord. No. 1680, 10-16-2012; Ord. No. 1705, 12-16-2014; Ord. No. 1723, 12-15-2015; Ord. No. 1784, 3-5-2019)

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna