

## CHAPTER 13

## MUNICIPAL UTILITIES

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**GENERAL****13.01 UTILITIES ESTABLISHED AND COMBINED.**

(1) Establishment. The City of Kiel has established municipal electric, sewer and water departments. These departments together are designated City of Kiel Utilities which shall be managed and operated by the City through a Director of Public Works as to water, a Administrator as to electric and a Superintendent of Sewer Utility as to the sewer system and wastewater treatment facilities.

(2) OVERSIGHT. The general control and supervision of each of the utilities established by the City shall be by the Common Council, which shall exercise said control through the enactment & amendment of appropriate ordinances and through oversight by such standing committees of the City as the Mayor and Common Council may determine under Sec. 2.01 of this Municipal Code.

(3) CONSTRUCTION AND DEFINITIONS. This ordinance shall be liberally construed to affect its purposes. As used herein, the terms "management and control" or "management and operation" shall be construed broadly and shall include, without limitation by enumeration, all authority related to the utility properties of the City, and all authority related to purchasing, acquiring, leasing, constructing, adding to, improving, conducting, controlling, operating or managing the City's public utilities except as specifically withheld by statute.

(4) UTILITIES COMBINED. The waterworks system and the sanitary sewer and wastewater system of the City shall be combined and operated as a single public utility, except for financial reporting, and said utility shall be subject to all of the provisions of Section 66.0819, Wis. Stats. and any modifications or renumbering of said statute or regulation.

**13.02 RULES AND REGULATIONS.** The rules and regulations for the operation of the combined water and sewer utility shall be those adopted by the City Council and approved and on file with the State Public Service Commission.

**13.03 UTILITIES TO BE PLACED UNDERGROUND.** All facilities and wires for the supply and distribution of electrical energy, telephone, telegraph and cable television service to be constructed in the City on all undeveloped property for residential purposes shall be placed underground. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above the ground. This section shall not apply to utility lines which do not provide service to the area being developed.

**13.04 CROSS CONNECTION CONTROL AND BACKFLOW PREVENTION.**

## (1) Cross connection prohibited:

No person shall establish, or permit to be established, or maintain, or permit to be maintained, any cross connection. No interconnection shall be established whereby potable water from a private, or auxiliary or emergency water supply, other than the public water supply of the utility, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply have been approved by the utility and the Wisconsin Department of Natural Resources.

## (2) Responsibility:

The (utility) shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to backflow of contaminants or pollutants. The utility shall charge fees according to the utility's Cross Connection Control Manual for maintaining a Comprehensive Cross Connection Control Protection Plan.

## (3) Owner Responsibility:

The property owner shall be responsible for the protection of the customer's potable water system. The responsibilities include the elimination of, or protection from, all cross connections on their premises. The owner shall, at their own expense, install, maintain and test any and all backflow preventers on their premises in compliance with the Department of Commerce Comm. 82.21 requirements and the utility's Cross Connection Control Manual and any modifications or renumbering of said statute or regulation.

The property owner shall have corrected any malfunction revealed by periodic testing of any backflow preventer on their premises. The property owner shall inform the utility of any proposed or modified cross connections and also any existing cross connections that are not protected by an approved backflow prevention means. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type in the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention assembly must supply additional assemblies necessary to allow testing and maintenance to take place. In the event the property owner installs potable water using fixtures, equipment or appurtenances upstream of the backflow preventer, such must have its own approved backflow prevention means.

The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M-14 titled "Recommended Backflow Prevention and Cross Connection Control", United States Environmental Protection Agency publication titled "Cross Connection Control Manual", Wisconsin Department of Commerce Plumbing Code, Comm. 82-84, and any modifications or renumbering of said statutes or regulations, and the utility's "Cross Connection Control Manual", unless the utility requires or authorizes other means of protecting the potable water systems. These requirements or authorizations will be at the **discretion of the utility**.

(4) Inspections:

It shall be the duty of the utility to cause surveys to be made of all properties serviced by the utility where cross connections with the public water system is deemed possible. Residential properties serviced by the utility shall be surveyed on a twenty (20) year interval. Industrial, manufacturing, commercial and public authority properties serviced by the utility shall be surveyed on an interval of two (2) years. Low Risk Commercial users (i.e. offices or retail stores) will have an interval of ten (10) years depending on the nature of their water usage. The utility may, but is not required to, perform the cross connection survey of the customer's property. If, in the opinion of the utility, the utility is not able to perform the survey, the property owner must, at their own expense, have the water system piping surveyed for cross connections by a person who has been properly trained in accordance with the American Society of Sanitary Engineers (ASSE) Standard number 5120 as a Cross Connection Control Surveyor and any modifications or renumbering of said statute or regulation. The frequency of required surveys and re-surveys, based upon the potential health hazards, may be shortened by the utility.

(5) Right of Entry:

Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine property served by a connection to the public potable water system of the utility for cross connections. If entry is refused, such representatives shall obtain a special inspection warrant under s.66.122, Wisconsin Statutes and any modifications or renumbering of said statute or regulation. The utility shall charge the property owner a fee of \$10 per day for refusal to allow entry to examine any property. Upon request, the owner, lessee or occupant of any property served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

(6) Authority to Discontinue Service:

The utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this section exists and to take such other precautionary measures deemed necessary to eliminate any damage or contamination of the potable water system. Water service shall be discontinued if the means of backflow prevention required by the utility is not installed, tested, maintained and/or repaired in compliance with this ordinance, the Department of Commerce Plumbing Code Comm. 82-84 and any modifications or renumbering of said statute or regulation and the utility's Cross Connection Control Manual, or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes and any modifications or renumbering of said statute or regulation, except as provided in subsection 9 of this section.

**(7) Reconnection of Service:**

Water service to any property disconnected under provisions of this ordinance shall not be restored until the cross connection(s) has been eliminated or backflow prevention means, approved by the utility, has been installed in compliance with the provisions of this section.

**(8) Emergency Discontinuance of Service:**

If it is determined by the utility that a cross connection or an emergency endangers public health safety or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee or occupant shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes and any modifications or renumbering of said statute or regulation, with ten (10) days of such emergency discontinuance. Such hearing shall be before the Kiel Water Utility Council and shall conform to all existing due process requirements.

**(9) Additional Protection:**

In the case of premises having (a) cross connections that cannot be permanently corrected or controlled, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for surveying purposes, making it impractical or impossible to ascertain whether or not dangerous cross connections exist, the public water supply system shall be protected in the service line.

In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the utility, could create an actual or potential hazard to the public water supply system, an approved air gap separation or an approved reduced pressure principle backflow assembly shall protect the public water supply system. Examples of premises where these conditions will exist include premises with auxiliary water supplies either interconnected or not interconnected with the public water supply system, premises where inspection is restricted, hospitals, mortuaries, clinics, laboratories, piers, docks and other waterfront facilities, sewage treatment

plants, sewage lift stations, food and beverage, processing plants, chemical plants using a water process, metal processing plants or nuclear reactors, car washing facilities, and premises with reclaimed water systems.

In the case of any presence of toxic substances, the utility may require an approved air gap or reduced pressure principle backflow assembly at the service connection to protect the public water supply system. This requirement will be at the discretion of the utility.

**(10) Public Water Supplies:**

This section does not supersede the State of Wisconsin Department of Natural Resources Administrative Code NR811 and any modifications or renumbering of said statute or regulation, but is supplementary to it.

## (11) Plumbing Code:

The Kiel Water Utility Council adopts by reference the Wisconsin Uniform Plumbing Code being Chapter Comm. 82-84, Wisconsin Administrative Code and any modifications or renumbering of said statute or regulation. This section does not supersede the Wisconsin Uniform Plumbing Code.

**13.05 COMPULSORY CONNECTION TO SEWER AND WATER.** (1) NOTICE TO CONNECT. Whenever sewer and water becomes available to any building used for human habitation, the Director of Public Works shall notify in writing the owner, agent or occupant thereof to connect all facilities thereto required by the City. If such person to whom the notice has been given shall fail to comply for more than 10 days after the notice, the City shall cause the necessary connection to be made and the expense thereof shall be assessed as a special tax against the property pursuant to Section 281.45, Wis. Stats. and any modifications or renumbering of said statute or regulation.

(2) ABATEMENT OF PRIVIES AND CESSPOOLS. After connection to a water main and public sewer, no privy, privy vault or cesspool shall be constructed or maintained upon such lot or parcel and shall be abated upon 10 days written notice for such abatement by the City. If not so abated, the City shall cause the same to be done and the cost thereof assessed as a special tax against the property.

(3) TIME EXTENSION. The City Council may extend the time for connection hereunder or may grant other temporary relief where strict enforcement would work an unnecessary hardship without corresponding public or private benefit.

**13.06 COLLECTION OF UTILITY CHARGES.** (1) Delinquent charges for electric service and water service delivered by the Municipal Utilities to commercial, industrial or residential customers and not paid for shall be collected as provided for in Section 66.0809(1), Wis. Stats. and any modifications or renumbering of said statute or regulation, which is incorporated herein by reference. Utilization of the procedures set forth in Section 66.0809(1), Wis. Stats. and any modifications or renumbering of said statute or regulation, for collection of delinquent charges for electric and water utility service shall not, however, preclude collection of such charges by any other means allowed by law.

(2) Under Section 66.0809, Wis. Stats. and any modifications or renumbering of said statute or regulation, the Municipal Utilities shall provide notice on October 15 of each year to owners or occupants of all lots or parcels of real estate to which utility service has been furnished prior to October 1 for which there is payment owing and in arrears at the time of giving that notice. The list of arrearages shall be furnished to the City Treasurer, who shall give notice of arrearage in writing, stating the amount of the arrearage, including any penalty assessed pursuant to the rules of the Kiel Municipal Utilities, and shall state also that unless the same is paid by November 1, thereafter a penalty

of 10% of the amount of the arrears will be added and that unless such arrears, with any added penalty, are paid by November 15, the amount owed will be levied as a tax against the lot or parcel of real estate to which the utility service was furnished and for which payment is delinquent. On November 16 the Municipal Utilities shall certify and file with the City Administrator a list of all lots or parcels of real estate, giving the legal description thereof, to the owners and occupants of which notice of arrears in payment were given and where arrears still remain unpaid, and stating the amount of such arrears together with the added penalty thereon. Each such delinquent amount, including the penalty, shall thereon become a lien upon the lot or parcel of real estate to which the utility service was furnished and for which payment is delinquent, and the City Administrator shall insert said delinquency as a tax against such lot or parcel of real estate. If the arrearage is for utility service furnished and metered by the Municipal Utilities directly to a mobile home unit in a licensed mobile home park, the notice shall be given to the owner of the mobile home unit and the delinquent amount shall become a lien on the mobile home unit rather than a lien on the parcel of real estate on which the mobile home unit is located.

### **13.07 Construction of Water Mains**

#### **(1) CORNER LOT ASSESSMENTS.**

(a) The cost of the water main, installation, including inspection, supervision and engineering fees shall be borne by the property owner on the lot side for which water service is provided. The cost of replacement of water mains in the street shall be borne by the City; however the cost of installation of laterals from the water main to each abutting property shall be paid for by the abutting property owner. Abutting property owners shall pay for initial installation of the main, but thereafter replacement of mains shall be paid for by the City, and not charged to abutting property owners. This shall be true for both sewer mains and water mains.

(b) The cost of the sewer main, installation, including inspection, supervision and engineering fees shall be borne by the property owner on the lot side for which sewer service is provided.

(c) Where sewer mains larger than 10" and water mains larger than 8" are necessary to adequately serve the property, the additional cost of adequately sized mains shall be borne by the City.

(d) The initial water service lateral will be installed from the main through the curb stop and box and the initial sewer service lateral will be installed from the main to the property line by the utility. The owner of the property being serviced shall bear the cost of the lateral from the building being served by the lateral to the property line.

#### **(2) Water Main Reconstruction**

(a) Where the City replaces or has replaced any lead lateral water service

within the street or City right-of-way, the abutting property owner receiving water service shall replace any private water service not meeting State Plumbing Code, or other applicable rules and regulations of the City and State.

(b) The property owner shall have 18 months from the date of notification from the City of Kiel to conform to State Plumbing Code, or other applicable rules and regulations of the City and State. Failure of the property owner to replace private nonconforming lateral following the 18 month period shall result in a fee of \$50.00 per month thereafter until replaced.

**13.08 PRIVATE WELLS BY PERMIT ONLY.** (1) GENERAL. Effective December 31, 1987, only those private wells for which the City has granted a well operation permit shall be permitted to exist. All other private wells located on premises served by the City's public water system shall be filled and sealed according to the procedures set forth in Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation. In addition, the pump and piping for each such well shall be removed and the well checked for obstructions prior to being sealed. Any obstruction or well liner must be removed. All cost of required work and materials shall be paid by the owner of the property upon which the well is located.

(2) REPORTS AND INSPECTIONS. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency, such forms being available at the office of the Administrator. The report shall be submitted immediately upon completion of the filling and sealing of the well. The well filling and sealing must be observed by the Public Works Director of the City or his authorized agent.

**13.09 WELL ABANDONMENT.** [#370 4/9/91] (1) PURPOSE. To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.

(2) APPLICABILITY. This ordinance applies to all wells located on premises within the Kiel city limits.

(3) DEFINITIONS. (a) "Municipal water system" means any system for the provision to the public of piped water for human consumption when such system has at least 15 service connections or regularly serves at least 25 year-round residents and is owned or operated by city, village, county, town sanitary district, utility district or public institution, or a privately owned water utility serving any of the above.

(b) "Noncomplying" means a well or pump installation which does not comply with the provisions of Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation, in effect at the time



the well was constructed, a contamination source was installed, the pump was installed or work was done on either the well or pump installation.

(c) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

(d) "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances which exceed the standards of chapters NR 109 or 140, Wis. Adm. Code and any modifications or renumbering of said statutes or regulations, or for which a Health Advisory has been issued by the Department of Natural Resources.

(e) "Unused" means a well or pump installation which is not in use or does not have functional pumping system.

(f) "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater for consumption or other use.

(g) "Well Abandonment" means the filling and sealing of a well according to the provisions of Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation.

(4) ABANDONMENT REQUIRED. All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation, no later than 1 year from the date of connection to the municipal water system, unless a well operation permit has been obtained by the well owner from the City of Kiel.

(5) WELL OPERATION PERMIT. The City of Kiel may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request a well operation permit by submitting information verifying that conditions of this section are met. The City, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Director of Public Works.

The following conditions must be met for issuance or renewal of a well operation permit.

(a) The well and pump installation meet or are upgraded to meet the requirements of Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation.

(b) The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.

(c) There are no cross-connections between the well and pump installation and the municipal water system.

(d) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

(6) ABANDONMENT PROCEDURE. (a) All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the procedures and methods of Chapter NR 112, Wis. Adm. Code and any modifications or renumbering of said statute or regulation. All debris, pump, piping, unsealed lines and any other obstruction which may interfere with sealing operations shall be removed prior to abandonment.

(b) The owner of the well, or the owner's agent, shall notify the Director of Public Works at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by a licensed well driller or plumber.

(c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Director of Public Works and the Department of Natural Resources within 10 days of the completion of the well abandonment.

(7) PENALTIES. Any well owner who violates any provision of this ordinance shall upon conviction be punished by a forfeiture established in Section 25.04 of the City Code. Each 24-hour period during which a violation exists shall constitute a separate offense.

#### SEWER USE AND SEWER SERVICE CHARGES

**13.10 RIGHT OF ENTRY, SAFETY AND IDENTIFICATION.** (1) RIGHT OF ENTRY. The Approving Authority or other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation or testing, all in accordance with the provisions of this chapter. If entry is refused, the Approving Authority shall obtain a special inspection warrant under Section 66.0119, Wis. Stats. and any modifications or renumbering of said statute or regulation.

(2) SAFETY. While performing the necessary work on private premises,

the duly authorized City employees shall observe all safety rules applicable to the premises established by the person.

(3) **IDENTIFICATION: RIGHT TO ENTER EASEMENTS.** The Approving Authority or their duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an 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 such easement.

13.105 SEWER UTILITY. Sections 13.11-13.25 specifically apply to the sewer utility to include the sewer system and wastewater treatment facilities within the City of Kiel Municipal Utilities.

**13.11 DEFINITIONS.** (1) **APPROVING AUTHORITY.** The wastewater treatment plant superintendent or his authorized representatives.

(2) **BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".

(3) **BUILDING DRAIN.** 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.

(4) **BUILDING SEWER.** A sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served and ends at its connection to the public sewer.

(5) **CATEGORY A.** Those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 300 mg/l, suspended solids no greater than 300 mg/l, phosphorus no greater than 10 mg/l and nitrogen no greater than 40 mg/l.

(6) **CATEGORY B.** Those sanitary sewer users who discharge wastewater with pollutant concentrations in excess of 300 mg/l for BOD, 300 mg/l for suspended solids, 10 mg/l for phosphorus, and 40 mg/l for nitrogen. Users whose wastewater exceeds the concentration for any one of these parameters shall be in Category B.

(7) **CATEGORY C.** Discharges of hauled wastewater.

(8) **CITY.** The City of Kiel.

(9) COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

(10) CMOM. Capacity, Maintenance, Operation and Maintenance of sanitary sewer.

(11) COMPATIBLE POLLUTANTS. BOD, suspended solids, phosphorus, nitrogen, pH, or fecal coliform bacteria, plus additional pollutants identified in the City's WPDES permit for its wastewater treatment facility; provided that such facility is designed to treat such additional pollutants and, in fact, does remove such pollutants to a substantial degree.

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

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

(14) GROUND GARBAGE. The residue from the preparation, cooking, dispensing, handling, storage and sale of food products and produce 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 1/2" in any dimension.

(15) HAULED WASTEWATER. Wastewater from residential holding tanks, residential septic tanks, industrial and commercial holding tanks.

(16) INCOMPATIBLE POLLUTANTS. Wastewater with pollutants that will adversely affect the wastewater collection and treatment facilities or disrupt the quality of wastewater treatment if discharged to the wastewater treatment facility.

(17) INDUSTRIAL WASTE. Any solid, liquid or gaseous substance discharged or escaping from any industrial, manufacturing or commercial establishment. Such term includes any wastewater which is not sanitary sewage.

(18) MUNICIPALITY. The City of Kiel.

(19) NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

(20) NORMAL DOMESTIC STRENGTH WASTEWATER. Wastewater with concentrations of BOD no greater than 300 mg/l, suspended solids no greater than 300 mg/l, phosphorus no greater than 10 mg/l and nitrogen no greater

than 40 mg/l.

(21) OPERATION AND MAINTENANCE COSTS. Includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs, all as determined from time to time by the City.

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

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

(24) PHOSPHORUS. Phosphorus shall mean total phosphorus, which is all of the chemical element phosphorus present in a sample, regardless of form, expressed as milligrams per liter (mg/l) of P phosphorus. Quantitative determination of phosphorus shall be made in accordance with procedures set forth in "Standard Methods".

(25) PRIVATE COLLECTION SEWER SYSTEM. Any private collection sewer system consisting of main sewer laterals discharging into a public sewer.

(26) PUBLIC SEWER. Any publicly owned sewer, storm drain, and sanitary sewer or combined sewer.

(27) REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful 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.

(28) SANITARY SEWAGE. A combination of liquid and water-carried wastes discharged from toilets and sanitary plumbing facilities.

(29) SANITARY SEWER. A sewer that carries sewage or wastewater.

(30) SEWAGE. The spent water of a person or community. The preferred term is "wastewater".

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

(32) SEWER SERVICE CHARGE. A charge levied on users of the wastewater

collection and treatment facilities for payment of operation and maintenance expenses, depreciation, return-on-investment and other expenses or obligations of such facilities.

(33) SHALL is mandatory; MAY is permissible.

(34) SLUG. 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 5 times the average 24-hour concentration or flow.

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

(36) STORM SEWER OR DRAIN. A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(37) SUSPENDED SOLIDS. Suspended solids shall mean solids that either float on the surface of, or are in suspension in, water sewage or industrial waste and which are removable by laboratory filtering as prescribed in "Standard Methods" and referred to as non-filterable residue expressed as milligrams per liter (mg/l). Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

(38) UNPOLLUTED WATER. Water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

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

(40) WASTEWATER COLLECTION FACILITIES (OR WASTEWATER COLLECTION SYSTEM). The structures and equipment required to collect and carry wastewater.

(41) WASTEWATER TREATMENT FACILITY. An arrangement of devices and structures for treatment of wastewater and biosolids. Also referred to as wastewater treatment plant.

(42) WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT. A document issued by the Wisconsin State Department of Natural Resources

which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. WI-0020141 and modifications thereof pertain to the municipal wastewater treatment facility.

**13.12 USE OF THE PUBLIC SEWERS.** (1) **SANITARY SEWERS.** No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage or cooling water to any sanitary sewer.

(2) **STORM SEWERS.** Storm water and all other unpolluted water shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority and other regulatory agencies, to a storm sewer, combined sewer or natural outlet.

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

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, that could injure or interfere with any waste treatment or biosolids disposal process, constitute a hazard to humans or animals or create a public nuisance in the receiving waters of the wastewater treatment facility.

(c) Any waters or wastes having a pH lower than 5.0 or in excess of 9.0, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater collection and treatment facilities.

(d) 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.

(e) The following described substances, materials, waters or waste shall be limited in discharges to 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, limbs, or public property or constitute a

nuisance. The Approving Authority may set limitations more stringent than those established below if more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewaters discharged to the sanitary sewers shall not exceed the following limitations:

1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
2. Wastewater containing more than 25 mg/l of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
3. Any water or waste containing fats, grease and wax, whether emulsified or not, in excess of 100mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0-65 degrees Centigrade).
4. Solids or viscous substances in quantities or of such size capable of causing obstruction to flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to; ash, cinders, sand, mud, etc...
5. Any unground garbage. 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.
6. Any waters or wastes containing iron, chromium, copper, zinc, cadmium and other toxic and nonconventional pollutants to such degree that the concentration exceeds levels specified by federal, state and local authorities.
7. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule or regulation.
8. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
9. 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.

10. 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.

11. 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 constitutes "slugs" as defined herein.

c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

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

11. Incompatible pollutants in excess of the allowed limits as determined by City, State and federal laws and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

(4) WPDES PERMIT. No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the City's WPDES permit and any modifications thereof.

(5) SPECIAL ARRANGEMENTS. No statement contained in this chapter shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a 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 City without recompense by the person; and further provided that all rates and provisions set forth in this chapter are recognized and adhered to.

(6) 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.

(7) SUMP PUMP REQUIREMENT. Where during construction of a residential,

commercial or industrial building, there is evidence of a high water table, or where the grade of the building is not sufficient to cause water to disperse promptly from said property, the building inspector shall in his discretion determine whether a sump pump shall be required in said building as a condition of the granting of a permit for construction of said building.

**13.13 CONTROL OF INDUSTRIAL WASTES DIRECTED TO PUBLIC SEWERS.** (1) **SUBMISSION OF BASIC DATA.** The Approving Authority may require each person who discharges or seeks to discharge industrial wastes to a public sewer to prepare and file with the Approving Authority, at such times as it determines, a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. In the case of a new connection, the Approving Authority may require that this report be prepared prior to making the connection to the public sewers.

(2) **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 Section 13.12, and which in the judgment of the Approving Authority have a deleterious effect upon the wastewater collection and treatment facilities processes, equipment or receiving waters, or which cause the City to violate its WPDES permit, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

(a) Refuse to accept wastewater from the industry upon giving reasonable notice to the industry.

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

(c) Require control over the quantities and rates of discharge.

(d) 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 this chapter.

(3) **CONTROL MANHOLES.** (a) Each person discharging industrial wastes into a public sewer shall, at the discretion of the Approving Authority, construct and maintain one or more control manholes or access points to facilitate observation, measurements and sampling of wastes, including sanitary sewage.

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

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

(4) MEASUREMENT OF FLOW. The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department or Utility except as noted in sub. (5).

(5) METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority. All flow meters shall be calibrated on an annual basis by a certified testing facility, and a copy of the results of said calibration forwarded to the Approving Authority.

(6) WASTE SAMPLING. (a) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determination shall be made as often as may be deemed necessary by the Approving Authority. Costs for all testing shall be borne by the discharger of said industrial wastes.

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

(c) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the Approving Authority. Access to sampling locations shall be granted to the Approving Authority or its duly authorized 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.

(7) PRETREATMENT. Persons discharging industrial wastes into any public sewer may be required to pretreat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants. If it is determined that pretreatment is necessary, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

(8) FAT, OIL, GREASE (FOG) AND SAND INTERCEPTORS. Trap/interceptors shall be referred to as traps from this point on, shall be required and installed at all food service, industrial and commercial facilities for the proper handling of liquid wastes containing grease, oil, flammable wastes, sand and other harmful ingredients.

(a) Individual exemptions from this requirement may be granted upon review by the Approving Authority.

(b) Private living quarters and dwelling units are exempt.

(c) All FOG and Sand traps shall be constructed in accordance with the Wisconsin Administration Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. Exterior FOG and Sand traps must be constructed in such a manner as to protect trap from storm water runoff. A description of the FOG and Sand trap system, the manufacturer, dimensions and location thereof shall be submitted to the Approving Authority at the time of permit application.

(9) FOG AND SAND TRAP PERMIT. Will be issued by the Approving Authority to comply with the City of Kiel Wastewater Utility CMOM program.

(a) Permit shall contain the following. Facility name and owner, date of permit issuance, permit number, trap size and manufacturer, location, required frequency of maintenance.

(b) All Permitted facilities must comply with Best Management Practices (BPMs) found in the City of Kiel CMOM Program for preventing introduction of FOG and Sand into the Sanitary Sewer and Storm Water Systems.

(c) All FOG and Sand traps shall be maintained by the owner at his or her expense in continuing, efficient operation at all times. Disposal of trap contents shall be done in accordance with Department of Natural Resources standards.

(d) Maintenance reports detailing all maintenance performed during the previous year shall be submitted to the Approving Authority annually, by January 31st. Forms are provided by the Approving Authority upon request. Any user delinquent in filing a maintenance report shall be notified of the delinquency and the penalty for failure to report. Any user who has not submitted the required annual maintenance report by March 1 shall be assessed a fee of \$50.00 per day, with each day constituting a separate fee. The fee shall be assessed from March 1 until the maintenance report has been received by the Approving Authority. The fee shall be placed on the account of the service address relating to the permit.

(e) All permitted FOG and Sand trap are to be inspected biennial by the

Approving Authority. If a failed inspection occurs, a Notice of Violation will be issued in five (5) working days. The permit holder has thirty (30) days to correct the failure. If the Notice of Violation is not corrected in thirty (30) days, then Failure of Compliance will be issued. If Failure of Compliance is not corrected in ninety (90) days, a fee of \$250.00 per day will be assessed, with each day constituting a separate fee. The fee shall be assessed until the Failure of Compliance has been corrected followed by an inspection from the Approving

Authority. The fee shall be placed on the account of the service address relating to the permit.

(f) Blockages downstream of a FOG and/or Sand Permitted Facilities shall be investigated. If investigation determines that an upstream FOG or Sand Permitted Facility caused interference or blockage in the sanitary system, then that FOG or Sand Permitted Facility shall reimburse the Kiel Wastewater Utility for all labor, equipment, supplies and disposal costs incurred in correcting interference or blockage.

(g) No permitted facility shall push FOGS material down lateral at time of cleaning to public sewer main without prior approval from the Approving Authority.

(10) HAULED WASTEWATER. (a) All sewer users having wastes hauled into the wastewater collection facilities for treatment need to be in conformance with the "Manual on Hauled-Waste Acceptance" published by the Water Environment Federation (WEF), as well as the "Hauled-Waste Manual" published jointly by the Wisconsin Department of Natural Resources (WDNR) and the Environmental Protection Agency (EPA).

(b) Hauled wastewater accepted by the wastewater collection facilities shall be sampled by the Approving Authority on an annual basis. Rate shall be calculated per Category C based on the average of six (6) most recent samples taken. Each sample shall be charged per 13.14 (10) of the City Code.

(c) Annual permit fee for hauled wastewater discharger shall be \$50.00; such permit fee shall be reviewed and, if necessary, adjusted annually.

(d) INSURANCE. Any person or party disposing of hauled wastewater shall agree to carry public liability insurance in an amount not less than \$1,000,000.00 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 will be in full force and effect. Any person disposing of such waste shall agree to indemnify and hold harmless the city from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(11) ANALYSES. (a) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulations 40 CFR 136 and any modifications or renumbering of said statute or regulation, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

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

(c) In the event of disagreement between the City and Land O' Lakes concerning the concentration of critical parameters established in an agreement between the City and Land O' Lakes, the parties will by mutual agreement engage a qualified independent laboratory to perform necessary analyses of discharge, metering and sampling results, and the analyses shall be binding upon both parties. The costs of such analyses shall be split equally between the City and Land O' Lakes.

(12) SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or grease and sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until approval has been granted.

### **13.14 AMOUNT OF SEWER SERVICE CHARGES.**

(1) CATEGORY A SEWER SERVICE CHARGE. The sewer service charge for Category A sewer users is as follows:

Volume	\$2.45/100 cu. ft
Fixed Charge	Depends on water meter size [see Sub. (5)]

(2) CATEGORY B SEWER SERVICE CHARGE. When the sewage from any contributor does not exceed the strength limitations of 300 mg/1 for B.O.D., 300 mg/1 for suspended solids, 10 mg/1 for phosphorus and 40 mg/1 for nitrogen, the sewer bill shall be calculated at the Category A charge. Where the wastes of any contributor exceed the above strength, a periodic sampling shall be taken and the sewage analyzed to determine the strength of such waste, which will be billed at the following rates:

Monthly Fixed Charge	Depends on water meter size [see sub. (5)]
Volume Charge:	
Volume	\$2.45/100 cu.ft.
BOD greater than 300 mg/l	\$.33/lb.
Suspended solids greater than 300 mg/l	\$.55/lb.
Phosphorus greater than 10 mg/l	\$4.74/lb.

(3) CATEGORY B, SEWER SERVICE CHARGE. The sewer service charge for Category B shall be computed in accordance with the formula presented below:

$$T = FM + (V \times Cv) + (B \times Cb) + (S \times Cs) + (P \times Cp) + (N \times Cn) + (L \times Cl) + (A \times Ca) + (R \times Cr)$$

Where:

T = Total sewer service charge

FM = Fixed monthly charge

B = Concentration of BOD in mg/l in the wastewater minus 300 mg/l

S = Concentration of suspended solids in mg/l in the wastewater minus 300 mg/l

P = Concentration of phosphorus in mg/l in the wastewater minus 10 mg/l

N = Concentration of nitrogen in mg/l in the wastewater minus 40 mg/l

V = Wastewater volume in gal.

A = Gallons of acid added to achieve pH 9.0 or less

R = Number of report weeks

L = Number laboratory test

Cv = Volume charge per 1000 gal.

Cb = Surcharge per pound of BOD

Cs = Surcharge per pound of suspended solids

Cp = Surcharge per pound of phosphorus

Cn = Surcharge per pound of nitrogen

Ca = Surcharge per gallon of acid added

Cr = Surcharge report fee

Cl = Laboratory test fee

(4) CATEGORY C. SEWER SERVICE CHARGE. The sewer service charge for Category C shall be computed in accordance with the formula presented below:

$$T = (Cb \times BOD) + (Cs \times SS) + (Cp \times P)$$

Where:

T = Total Sewer Service Charge

Cb = Surcharge per pound of BOD

Cs = Surcharge per pound of suspended solids

Cp = Surcharge per pound of phosphorus

BOD = mg/l x 8.34 x MGD

SS = mg/l x 8.34 x MGD

P = mg/l x 8.34 x MGD

MGD = million gallons per day

(5) FIXED MONTHLY CHARGES Fixed monthly charges shall be based on the size of a customer's water meter. Water meter sizes and corresponding charges are as follows:

Water Meter Size <u>Inches</u>	Fixed <u>Monthly Charge</u>
5/8	\$15.91
3/4	15.91
1	20.45
1 1/2	23.37
2	26.29
3	35.50
4	48.20
6	78.87



(6) GENERAL SEWER SERVICE, UNMETERED. Service shall be billed at the rate of \$30.61 per month. This rate shall be applied only to single family residential and small commercial customers and approximates the cost for 600 cu. ft. per month discharged to the sewer system. If it is determined by the Utility that the user discharges more than 600 cu. ft. per month to the system, an additional charge of \$2.45/100 cu. ft. will be made for estimated additional usage.

(7) REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.

(8) OPERATION, MAINTENANCE AND REPLACEMENT FUND ACCOUNTS.

(a) All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Section 13.10(22). All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

(b) All revenues for the replacement fund and for operation and maintenance of the wastewater collection and treatment facilities must be used solely for the replacement fund and operation and maintenance of the wastewater collection and treatment facilities.

(9) CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the City's wastewater treatment facility shall pay for such increased costs, as may be determined by the City Council.

(10) CHARGE FOR LABORATORY ANALYSIS. The Approving Authority shall charge a daily laboratory analysis fee of \$30.00.

**13.15 BASIS FOR SEWER SERVICE CHARGES.** (1) SEWER USERS SERVED BY WATER UTILITY WATER METERS. The City shall levy and assess upon each lot, parcel of land, building or premises having a connection with the wastewater collection system and being served with water solely by the Water Utility, a sewer service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

(2) SEWER USERS SERVED BY PRIVATE WELLS. (a) If any person discharging waste water into the sanitary sewers procures any part of all of his water from sources other than the Water Utility, all or part of which is discharged into the

sanitary sewers, the person shall have water meters installed by the Water Utility at his expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed for determining the wastewater volume discharged, water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

(b) The water Utility will charge for each meter a rental charge set by the Water Utility to compensate for the cost of furnishing and servicing the meter. The rental charge shall be billed at the time the sewer service charge is billed.

(3) DEDUCT METERS. If a person feels that a significant amount of metered water does not reach the sanitary sewer, he can at his own expense, with approval of the Approving Authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install additional meters shall be made in writing to the Approving Authority.

**13.16 BILLING PRACTICE.** (1) CALCULATION OF SEWER SERVICE CHARGES. Sewer service charges shall be computed according to the rates and formula presented in this chapter.

(2) BILLING AND PAYMENT. Sewer service charges shall be billed by the City to the sewer users on a monthly basis. Those persons billed shall pay such charges by the date fixed for final payment.

(3) DELINQUENT PAYMENTS. A penalty of 1.5% per month shall be added to all bills not paid by the date fixed for final payment.

(4) REMEDIES FOR FAILURE TO MAKE PAYMENTS. (a) Suit. Sewer service charges or other charges due from any person or user shall be deemed to be debt due to the City from that person or user. If sewer service charges or other charges are not paid when due, the City may commence an action in a court of competent jurisdiction and recover from such person or user the amount of charges or fees, and damages, if any, sustained by the City as a result of such failure to pay, together with such costs and expenses as may be allowed by law.

(b) Lien on Property. As an alternative to the above, the City may direct that unpaid sewer service charges or other charges due from any person or user shall be collected and taxed and shall be a lien upon the property served in the manner provided for in Section 66.0821, Wis. Stats. and any modifications or renumbering of said statute or regulation, as amended from time to time.

(5) OBLIGATION FOR PAYMENT. While the obligation for payment of the bills in case the user is a nonproperty owner shall be that of the user, if the bill

is not paid, the property owner shall be liable for the bill and the unpaid bill shall remain a lien against the property serviced until paid in accordance with this chapter. To the end that there may be attempts at avoidance of payment of these bills by the tenants, and to overcome the same, the City may send the bill for a user who is a tenant in care of the property owner, who shall thereupon determine the method in which the payment shall be assured.

**13.17 SEWER CONSTRUCTION AND CONNECTIONS.** (1) **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the Approving Authority or the Director of Public Works.

(2) **COST OF SEWER CONNECTION.** The person making the connection of the building sewer shall pay for the cost of the connection.

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

(4) **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the City's Building and Plumbing Codes or other applicable rules and regulations of the City and State. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the STM and WPCF Manual of Practice No. 9 shall apply.

(5) **BUILDING SEWER GRADE.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. All costs related to the installation, connection, operation and maintenance of such lifting device shall be borne by the person making the building sewer connection.

(6) **STORMWATER AND GROUND WATER.** Stormwater and groundwater drain connections are prohibited as follows:

(a) No person shall allow the discharge or cause to be discharged into any sanitary sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling waste or unpolluted industrial process waters. All stormwater, surface water, groundwater, roof runoff, 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 whenever reasonably available; further provided that if no storm sewer is available, in no event shall any such waters be discharged into any sanitary sewer.

(b) 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 whenever available, and, if no storm sewer is available shall discharge into an underground conduit leading to a drainage ditch, 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 is allowed to flow on or across a public sidewalk.

(c) In carrying out the provisions of this chapter, Approving Authority or the Director of Public Works shall have the authority to enter upon private premises at reasonable times to determine whether any of the water drainage hereinabove described exists thereon and whether such drainage complies with the provisions of this chapter. No person shall refuse to permit the Approving Authority or the Director of Public Works to enter upon any premises at reasonable times to exercise their duties under this article.

(d) It shall be rebuttably presumed that clear water is being discharged in a sanitary sewer if it is shown that existing sump pumps or other means of clear water discharge have or can be readily connected to drains, pipes or other mechanisms of discharge connected to the sanitary sewer drain within the premises.

(e) Disconnection time frame; exception. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority. Exceptions to this subsection may be made by the Approving Authority.

(f) Stormwater and groundwater failure to correct fee. A \$50.00 monthly fee is also hereby imposed for failure to correct stormwater and groundwater connection found not conforming to specifications in section 13.17 of this code. This fee will be imposed beginning 60 days following notice by the city to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken (new 13.26-13.30)

(7) CONFORMANCE TO PLUMBING CODES. The connection of the building sewer into the sanitary sewer shall conform to the requirements of the Building and Plumbing Codes, or other applicable rules and regulations of the City or State or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the Building Inspector before installation.

(8) **INSPECTION OF CONNECTION.** The person making a connection to a public sewer shall notify the Approving Authority or the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Approving Authority or the Director of Public Works.

(9) **BARRICADES: RESTORATION.** All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Approving Authority or the Director of Public Works.

**13.18 APPEALS.** Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this chapter or in any permit issued herein, may file with the Approving Authority a written request for reconsideration within 10 days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within 15 days of receipt of request. If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory to the person, the person requesting reconsideration may, within 10 days after notification of the action, file a written appeal with the City Council. The written appeal shall be heard by the City Council within 45 days from the date of filing and the City Council shall make a final ruling on the appeal within 60 days from the date of filing.

**13.19 VALIDITY.** The sewer service charge system shall take precedence over any terms or conditions of preexisting agreements or contracts between the Municipality and any person, which are inconsistent with Section 204(b)(1)(A) and 40 CFR 35, Subpart E of the Clean Water Act and any modifications or renumbering of said statute or regulation.

**13.20 AUDIT, NOTIFICATION AND RECORDS.** (1) **BIENNIAL AUDIT.** The City shall review, at least every 2 years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities and the sewer service charge system. Based on this review, the City shall revise the sewer service charge system, if necessary, to accomplish the following:

(a) Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users.

(b) Generate sufficient revenues to pay the operation and maintenance

expenses of the wastewater collection and treatment facilities.

(2) **ANNUAL NOTIFICATION.** The City shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses, and the depreciation and return-on-investment cost of the wastewater collection and treatment facilities. The notification shall occur in conjunction with a regular bill.

(3) **RECORDS.** The City shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act and any modifications or renumbering of said statute or regulation.

**13.21 VIOLATIONS AND PENALTIES.** (1) **WRITTEN NOTICE OF VIOLATIONS.** Any person found to be violating any provision of this subchapter shall be declared to be creating a public nuisance and shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) **ABATEMENT OF NUISANCE WITHOUT NOTICE.** If the Approving Authority determines that a public nuisance exists within the City and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals or decency, the 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.

(3) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility or receiving body of water shall, in addition to a forfeiture, pay an amount to cover any damages, both values to be established by the City Council.

(4) **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the noticed time limit provided shall upon conviction thereof forfeit not more than \$1000 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 violation is continued beyond the noticed time limit shall be deemed a separate offense.

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

**13.25 PENALTY.** Except as otherwise provided, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

**13.26 SUMP PUMPS** (1) Inspections. It shall be the duty of the utility to cause surveys to be made of all properties serviced by the utility. Surveys shall be made on a ten (10) year interval, or at the time of sale of property. All sump pumps shall conform to the specifications in section 13.17 of this code.

**13.27 SYSTEM RECONSTRUCTION.** The City of Kiel has undertaken the systematic reconstruction of the public sanitary sewer system. The presence of an abnormal amount of clear water entry into the sanitary sewer system has been indicated. The presence of this clear water reduces available capacity to all systems users, causes system overloads that may manifest themselves as basement flooding, causes a financial burden on the citizens of the City, and is a potential source of severe health hazards. 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 system.

(1) The City shall inspect all private connections to the public mains at the time of reconstruction of the public system.

(a) Any existing private connection not meeting the requirements of this section shall be considered illegal.

(b) Prior to actual reconstruction, each property owner shall be given written notice of the project. Such notices shall be made no less than 30 days prior to commencement of the actual work.

(2) Prior to the commencement of the reconstruction, the City shall inspect each private sewer connection for conformance with this section.

(a) 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 at time of reconstruction.

(b) In the event that the private sewer is found not to meet the requirements of this section, the City shall notify the property owner of the determined deficiency(ies).

(3) The owner shall, at the owners expense, make the necessary repairs to correct the deficiency(ies). In all cases, the City shall supply an appropriate connection point as part of its work. The owner may elect to:

(a) Make the repair(s). In doing so the owner recognizes that all work

must be done in strict conformance with all applicable local and state codes and in such a manner to correct the noted deficiency(ies). All work needed to accomplish the repair shall be done at the expense of the owner.

(b) Contract with licensed contractor to complete the repair. All work needed to accomplish the repair shall be done at the expense of the owner.

(c) Have City contractors, if available, complete the repair. The City agrees, as part of any project, to request unit prices that will allow for the calculation of cost of making the appropriate repair to the private sewer.

(1) Should the owner select this option, the owner will be charged the entire cost making the repair.

(2) The owner may elect to pay the entire amount upon completion of the work, or the owner may request that he be billed in the form of a special assessment on the owner's tax bill.

**13.28 SYSTEM REQUIREMENTS.** (1) 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) All work, construction technique, and materials incorporated into the project shall be in strict conformance with state and local codes, or the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 Design and Construction of Sanitary and Storm Sewers.

(a) Permitted Materials. Permitted materials are specified in the City of Kiel Wastewater Utility Capacity, Maintenance, Operation and Management (CMOM) guidance.

(b) Defects Requiring Repair.

- (1) Any visible leak.
- (2) Open, improperly formed, or root intruded joints.
- (3) Improper materials such as soil or orangeburg pipe.
- (4) Visible crack.
- (5) Improper connections such as a palmer valve.
- (6) Any defect determined by the City of Kiel to require repair to comply with the system standards identified herein.

**13.29 BACKWATER VALVES.** (1) Backwater valves shall be required on all building sewers new or reconstructed at a location approved by the approving authority.

(2) When in the best interest of the City, require the installation of a



backwater valve in building sewers servicing buildings not listed in this subsection.

(3) Continue to encourage the installation of floor drain backflow preventors in one- and two-family buildings without backwater valves.

### 13.30 Sanitary Sewer Lateral Fees.

(1) Sewer lateral fees. The following fees are hereby created and imposed, each fee separately at the rate of \$50.00 per month, payable in monthly installments and billed with the regular monthly billing for City of Kiel Utility services:

(a) Televising refusal fee. A \$50.00 monthly fee is hereby imposed for connection of sewer laterals against every property connected to the City of Kiel sanitary sewerage system, in the utility, which owner refuses to consent to televising of the sewer lateral by the city. This fee will be imposed beginning 30 days after request has been made by the city for permission to televise the owner's sewer lateral. This fee will continue until the property owner consents to televising by the city.

(b) Failure to correct fee. A \$50.00 monthly fee is also hereby imposed for connection of sewer laterals against every property connected to the sanitary sewerage system, in the utility, which owner fails to take corrective action upon request by the city to repair sewer laterals leaking freshwater into the sewerage system. This fee will be imposed beginning 30 days following notice by the city to the owner that corrective action is required and has not been completed on schedule and will continue until corrective action by the owner has been taken.

(2) Fee exemptions. The following are the exemptions and procedures from lateral fees:

(a) Televising exemption. Upon request by the City of Kiel Wastewater Utility to televise a sewer lateral connected to a sewer main, in the utility, the property owner may grant consent to televise the lateral by signing a consent form approved by the city. Upon receipt of such signed consent form, the city is authorized to access the private sewer lateral and adjacent property for purposes of televising the lateral. Owners complying with this section are exempt from the televising refusal fee.

(b) Corrective fee exemption. Each owner that repairs all laterals determined by the city to be leaking freshwater into the sewerage system shall be exempt from the failure to correct fee beginning at such time that verification of corrective action has been provided by the owner to the city.

