

# Chapter 13<sup>1</sup>

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## MUNICIPAL UTILITIES

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<sup>1</sup> Repealed and Recreated by Ordinance No. 13-2004/05, Enacted April 13, 2005.

### 13.01 Agreement to Comply With Water Utility Operating Rules

All persons now receiving a water supply from the Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all rules and regulations as filed with the State Public Service Commission.

### 13.02 Public Service Commission Rules Adopted

The following provisions of Ch. PSC 185, Wisconsin Administrative Code, are adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this section and shall be punishable as provided in Section 13.10.

§185.11	Authorization for and Application of Rules
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§185.13	General Requirements
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§185.86	Flushing Mains
§185.87	Operation of Distribution System Valves and Hydrants
§185.88	Interruptions of Service
§185.89	Thawing Frozen Service

### 13.03 Sewer Use/Industrial Cost Recovery

(1) Definitions -

For the purposes of this chapter, certain words and phrases shall be defined as follows:

(a) BOD (Denoting Biochemical Oxygen Demand) -

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

(b) 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, beginning Five (5') feet (1.5 meters) outside the inner face of the building wall.

(c) Building Sewer -

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

(d) Category A -

Those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 250 mg/l, suspended solids no greater than 250 mg/l, and phosphorus no greater than 14 mg/l.

(e) Category B -

Those sanitary sewer users who discharge wastewater with concentrations in excess of 250 mg/l of BOD, 250 mg/l of suspended solids and 14 mg/l of phosphorus. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B.

(f) Chlorine Requirement -

The amount of chlorine, in mg/l, which shall be added to sewage to produce a residual chlorine as specified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

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- (g) City -  
The City of Sheboygan.
- (h) City Approving Authority -  
The Assistant Director of Public Works or other designated officials of the City of Sheboygan.
- (i) City Wastewater Collection Facilities (or City Wastewater Collection System) -  
The City sewer systems, structures and equipment required to collect and carry away wastewater. These City wastewater collection facilities are owned, operated and maintained by the City.
- (j) Combined Sewer -  
A sewer intended to receive both wastewater and storm or surface water.
- (k) Compatible Pollutants -  
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.
- (l) Easement -  
An acquired legal right for the specified use of land owned by others.
- (m) Floatable Oil -  
Oil, fat or grease in a physical state such that it shall 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.
- (n) Garbage -  
The residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.
- (o) Grantee -  
The City, for those projects in which the City receives federal funding, Grantee shall mean the Municipality for those projects in which the Municipality receives federal funding.
- (p) Ground Garbage -  
The residue from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles shall be carried freely in suspension

under the flow conditions normally prevailing in public sewers with no particle greater than 1/2" in any dimension.

(q) Incompatible Pollutants -

Wastewater with pollutants that shall adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

(r) Industrial Cost Recovery Charge -

A charge collected by the Municipality from industrial users discharging industrial wastes for the recovery of the federal EPA grant amount allocable to the treatment of the users' wastewater volume and characteristics at design capacity of federal EPA funded wastewater collection and treatment facilities.

(s) Industrial User -

For the purpose of Industrial Cost Recovery is:

1. Any nongovernmental, nonresidential user of 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, Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas, and Sanitary Services

Division I - Services

- a. Grantee may exclude domestic wastes or discharges from sanitary conveniences.
  - b. After applying the sanitary waste exclusion, dischargers in the above division that have a volume exceeding 25,000 gpd or the weight of BOD, suspended solids or phosphorus equivalent to that weight found in 25,000 gpd of sanitary waste, are considered industrial users.
2. A user which discharges any wastewater containing toxic pollutants or which has any other adverse effect on the treatment works.
  3. A commercial user of an EPA funded individual system.

(t) Industrial Waste -

The wastewater from industrial process, trade or business as distinct from sanitary sewage.

(u) Major Contributing Industry -

An industry that:

1. Has a flow of 50,000 gallons or more per average workday;
  2. Has a flow greater than 5% of the flow carried by the wastewater collection and treatment facilities receiving the waste;
  3. Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stat. § 147.07(1); or,
  4. Has a significant impact, either singularly or in combination with other contributing industries, on the wastewater treatment facility or the quality of its effluent.
- (v) Municipal Approving Authority -
- The Director of Administrative Services/Clerk/Treasurer, or the Building and Plumbing Inspector, or their duly authorized representatives for the City of Sheboygan Falls.
- (w) Municipality -
- The City of Sheboygan Falls.
- (x) Municipal Wastewater Collection Facilities (or Municipal Wastewater Collection System) -
- The municipal sewer systems, structures, equipment and processes required to collect and carry away wastewater. These municipal wastewater collection facilities are owned, operated and maintained by the municipality.
- (y) Natural Outlet -
- Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground waters.
- (z) Normal Domestic Strength Wastewater -
- Wastewater with concentrations of BOD no greater than 250 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 15 mg/1.
- (aa) Operation and Maintenance Costs -
- 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.
- (bb) Parts Per Million -
- 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.

## (cc) Person -

Any persons, including any individual, firm, company partnership, limited liability company or partnership, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

## (dd) pH -

pH shall mean the logarithm of the reciprocal 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 and a hydrogen-ion concentration of  $10^{-7}$ .

## (ee) Phosphorus -

Total phosphorus and is expressed in mg/1 of P (phosphorus).

## (ff) Public Sewer -

Any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

## (gg) Replacement Costs -

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

## (hh) Sanitary Sewage -

A combination of liquid and water-carried wastes discharged from toilets or sanitary plumbing facilities.

## (ii) Sanitary Sewer -

A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

## (jj) Sewage -

The spent water of a community. The preferred term is "wastewater."

## (kk) Sewer -

Sewer shall mean a pipe or conduit that carries wastewater or drainage water.

## (ll) Sewer Service Charge -

A service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses as well as operation and maintenance and replacement costs of such facilities. (The user charge, which covers operation, maintenance and replacement costs, is a part of the sewer service charge.)

(mm) Shall; May -

Shall is mandatory; may is permissible.

(nn) 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 of flows during normal operation and shall adversely affect the system or performance of the wastewater treatment works.

(oo) Standard Methods -

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.

(pp) Storm Drain (sometimes termed "Storm Sewer") -

A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(qq) Storm Water Runoff -

That portion of the rainfall that is drained into the sewers.

(rr) Suspended Solids -

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 "Standard Methods for Examination of Water and Wastewater," and are referred to as nonfilterable residue.

(ss) Towns -

The Towns of Lima and Sheboygan Falls.

(tt) Town Approving Authority -

The Town Chairperson or a duly authorized Town Sanitary District.

(uu) Town Wastewater Collection Facilities (or Town Wastewater Collection System) -

The Town sewer systems, structures, equipment and processes required to collect and carry away wastewater. These Town wastewater collection facilities are owned, operated and maintained by the Town.



(vv) Unpolluted Water -

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.

(ww) User Charge -

A charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance costs of such facilities.

(xx) Wastewater -

The spend water of a community. 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 storm water that may be present.

(yy) Wastewater Collection Facilities (or Wastewater Collection System) -

The City and municipal wastewater collection facilities.

(zz) Wastewater Treatment Facility -

An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment.

(aaa) Watercourse -

A natural or artificial channel for the passage of water, either continuously or intermittently.

(bbb) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit -

A document issued by the Wisconsin State Department of Natural Resources, which established effluent limitations and monitoring requirements for the City's wastewater treatment facility. WPDES Permit No. WI-0025411, and modifications thereof, pertain to the City's wastewater treatment facility.

(2) Use of the Public Sewers -

(a) 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. Storm water runoff from limited areas, which may be polluted at times, may be discharged to the sanitary sewers by permission of the Municipal Approving Authority.

## (b) Storm Sewers -

Storm water, other than that exempted under (a) above, 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 Municipal Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Municipal Approving Authority, to a storm sewer, combined sewer or natural outlet.

## (c) Prohibitions and Limitations -

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, 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 or sludge disposal 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 waste shall be limited in discharges to municipal sanitary sewer systems to concentrations or quantities which shall not harm either the sanitary sewers, wastewater treatment process, or equipment; shall not have an adverse effect on the receiving stream; or shall not otherwise endanger lives, limb, public property or constitute a nuisance. The Municipal Approving Authority may set limitations lower than the limitations established herein, if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Municipal Approving Authority shall 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 wastewaters discharged to the sanitary sewers, which shall not be violated without approval of the Municipal Approving Authority are as follows:

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- a. Wastewater having a temperature higher than 150° F (65° Celsius).
  - b. Wastewater containing more than 25 mg/1 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 other toxic and nonconventional pollutants to such degree that any such material received in the composite wastewater in concentrations that exceed levels specified by federal, state or local authorities.
  - f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Municipal Approving Authority.
  - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Municipal Approving Authority in compliance with applicable state or federal regulations.
  - h. Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
  - 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.
    - i. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
    - ii. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
    - iii. 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).
    - iv. Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

- k. Incompatible pollutants in excess of the allowed limits as determined by City, state and federal rules and regulations in reference to pretreatment standards developed by the Environmental Protection Agency, 40 CFR 403.

(d) Special Arrangements -

No statement contained herein shall be construed as prohibiting any special agreement between the Municipal 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 City of Municipality without recompense by the person provided that all rates and provisions set forth in this section are recognized and adhered to.

(e) New Connections -

New connections to the Municipal sanitary sewer system shall 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 (3) months after passage of this section, each person who discharges industrial wastes to a public sewer shall prepare and file with the Municipal 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 Municipal Approving Authority. The following forms or the information needed to complete them shall be accepted:

Annual NR 101 "Effluent Reporting Form"  
Form 300-28 "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 Municipal 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 is required to comply with Wisconsin Pollutant Discharge Elimination System permit No. WI-0025411.

(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 scheduled imposed by (a), a request for extension of time may be presented to the Municipal 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 subparagraph (2), and which, in the judgment of the Municipal Approving Authority, have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise created a hazard to life, health or constitute a public nuisance, the Municipal 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 (2)(d).

## (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 Municipal Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Municipal 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. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Municipal 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 Municipal Approving Authority, except as noted in subparagraphs (f) and (g).

## (f) Provision of Deductions -

If a person discharging industrial waste into the sanitary sewers produces evidence satisfactory to the Municipal Approving Authority that more than 20% 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 Municipal Approving Authority and the person.

## (g) Metering of Waste -

Devices for measuring the volume of waste discharged may be required by the Municipal 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 Municipal 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 such wastes. The determination shall be made by the industry as often as may be deemed necessary by the Municipal 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 Municipal 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 Municipal Approving Authority. Access to sampling locations shall be granted to the Municipal 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 Municipal 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 and Sand Interceptors -

Grease, oil and sand interceptors shall be provided when, in the opinion of the Municipal Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in (2)(c)6.c., 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 Municipal 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 property removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Municipal Approving Authority. Disposal of the collected materials performed by owner's personnel or currently licensed waste disposal firms shall be in accordance with currently acceptable Department of Natural Resources (DNR) 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 for the Examination of Water and Wastewater," published by the American Public Health Association, and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time duration and frequencies shall be determined on an individual basis subject to approval by the Municipal 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 Municipal Approving Authority. The Municipal Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for user charges and/or industrial cost recovery charges.

## (l) Submission of Information -

Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Municipal Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(4) Basis for Sewer Service Charges to Town Sewer Users --<sup>2</sup>

## (a) Basis for Sewer Service Charge -

The Municipality will assess the Town' sewer users for wastewater collection and treatment.

## (b) Residential Sewer Users -

Any person with single-family residences or multiple-family residences discharging wastewater into the Town sanitary sewer system shall be charged for wastewater collection and treatment services on the basis of equivalent house units (EHU) in Category A [Section 13.03(50(a))]. EHU is defined as the discharge of normal domestic strength wastewater equivalent in volume to the wastewater discharged by an average family living unit (for example, a building containing four apartments would have four EHU's).

## (c) Public, Commercial and Industrial Sewer Users -

Those public, commercial, and industrial sewer users that discharge no greater than 5,000 gallons per day of normal domestic strength wastewater shall be charged for wastewater collection and treatment services on the basis of equivalent house units in Category A. The number of equivalent house units for each of these users would be established and amended by Town resolution.

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<sup>2</sup> Revised by Ordinance No. 14-1980-81, Adopted October 6, 1980.

## (d) Category B Sewer Users -

Category B sewer users shall pay for wastewater collection and treatment services on the basis of water meter readings on private water supplies and/or sewer meter readings on the person's wastewater discharges. The person shall furnish and install the water and/or sewer meters at his expense and with prior approval from the Town Approving Authority.

## (5) Amount of Sewer Service Charges to Town Sewer Users -

(a) Category A. Sewer Service Charge - <sup>3</sup>

Category A. sewer service charge is \$25.67 per month per equivalent house unit (EHU), which is calculated as follows:

Volume Charge	
Operation, Maintenance and	
Debt Retirement	\$16.83
Fixed Charge	3.83
Sewer Replacement Charge	<u>5.01</u>
Total Sewer Service Charge	\$25.67

## (b) Category B -

There are currently no Category B users within the City limits. In the event a future Category B user applies for sanitary sewer service, the City shall determine reasonable and equitable charges for said user based upon volume of water discharged, character of sewerage or waste and the nature of the uses made of the sewerage system by said applicant.

## (6) Amount of Industrial Cost Recovery Charges to Towns -

## Category B -

There are currently no Category B users within the City limits. In the event a future Category B user applies for sanitary sewer service, the City shall determine reasonable and equitable charges for said user based upon volume of water discharged, character of sewerage or waste and the nature of the uses made of the sewerage system by said applicant.

## (7) Billing Practice to Town -

## (a) Calculation of Sewer Service Charges -

Sewer service charges that shall be assessed, as provided in Section 13.03(5), to the Towns' sewer users shall be computed by the Municipality according to the rates and formula presented in Section 13.03(5) of Municipal Code.

<sup>3</sup> Repealed and recreated by Ordinance No. 2-2012/2013. Enacted August 7, 2012., Repealed and Recreated by Ordinance No. 4 (2017/2018). Enacted September 6, 2017



(b) Sewer Service Charge Billing Period -

Sewer service charges shall be billed to the responsible Town users on a monthly basis.

(c) Payment of Sewer Service Charges -

Sewer service charges shall be payable by the Town sewer users to the Municipality thirty (30) days after the billing date at the Sheboygan Falls Utility offices.

(d) Calculation of Industrial Cost Recovery Charges -

There are presently no industries discharging into the wastewater facilities. If in the future, any industries start discharging into the wastewater facilities, industrial cost recovery charges that shall be assessed, as provided in Section 13.03(6), to the Towns' sewer users shall be computed by the Municipality according to the unit costs presented in Section 13.03(6) of this ordinance.

(e) Industrial Cost Recovery Charge Billing Period -

Industrial cost recovery charges shall be billed by the Municipality to those subject to the charge on a monthly basis.

(f) Payment of Industrial Cost Recovery Charges -

Industrial cost recovery charges shall be payable by the industries to the Municipality thirty (30) days after the billing date at the Sheboygan Falls Utility offices.

(g) Penalties -

Such sewer service charges and industrial cost recovery charges levied in accordance with Sections 13.03(4), (5), (6), and (7) shall be a debt due to the Municipality. If this debt is not paid within thirty (30) days after it shall be due and payable, it shall be the responsibility of the Town Approving Authority to collect this debt and turn it over to the Municipality.

(8) Basis for Sewer Service Charges to Municipal Sewer Users -

(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 collection system and being served with water solely by the Water Utility, a wastewater treatment service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises.

(b) Sewer Users Served By Private Wells -

If any person discharging sewage into the public sanitary sewer system procures any part of 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 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 sewage meters are already installed,

the water meters will not be required. The water meters shall be furnished by the Water Utility and installed under its supervision, all costs being at the expense of the person requiring the meter.

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

(c) Deduct Meters -

If a user feels that a significant amount of metered water does not reach the sanitary sewer due to lawn or garden watering, etc., he can, at his own expense, through the Municipal Approving Authority, install a second water meter or an additional metered service that would monitor this flow. Charges for sewer use would be made based on the difference between the two meter readings if only a second meter is installed, and on actual water metered for sewer use if an additional metered service is installed.

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

(9) Amount of Sewer Service Charges to Municipal Sewer Users -

(a) Category A -<sup>4</sup>

Category A is defined as normal domestic strength wastewater having concentrations of biochemical oxygen demand (BOD) no greater than 250 mg/1, suspended solids no greater than 250 mg/1, and phosphorus no greater than 14 mg/1. The sewer service charge for Category A wastewater is as follows:

Fixed Charge	\$3.83
Volume Charge	\$2.59/1,000 gallons
Sewer Replacement Charge	\$0.77/1,000 gallons

The sewerage charges for the months of June, July, August and September shall be the same as the charge for the month of May, unless the water consumption for any one of the four months is less than for the month of May, in which case the charge shall be based on the actual consumption for the month.

(c) Reassignment of Sewer Users -

The Municipal Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(d) Operation, Maintenance, and Replacement Fund Accounts -

The annual replacement revenues shall be maintained in a separate account by the Municipality to be used solely for the purpose of purchasing replacement parts and/or equipment. Funds may be withdrawn from this account for authorized use only with the approval of the Municipal Approving Authority.

<sup>4</sup> Repealed and recreated by Ordinance No. 2-2012/2013. Enacted August 7, 2012. Repealed and recreated by Ordinance No. 4 (2017/2018). Enacted Sept 6, 2017.

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.

(e) Disposal of Septic Tank Sludge and Holding Tank Sewage -

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 located within the Municipality unless a permit for disposal has been first obtained from the Municipal Approving Authority. Written application for this permit shall be made to the Municipal 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 Municipal Approving Authority. The Municipal Approving Authority may impose such conditions as it deems necessary on any permit granted.

Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000.00) to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or the failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances and the Municipal Code of the City of Sheboygan Falls 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 wastewater collection and treatment facilities.

Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater collection and treatment facilities shall be charged as follows:

Septic Tank Sludge	-	\$24.00/1,000 gallons
Holding Tank Sewage	-	\$1.70/1,000 gallons (municipal users)
	-	\$2.06/1,000 gallons (non-municipal users)

The person(s) disposing of waste agrees to indemnify and hold harmless the Municipality and City from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(10) Amount of Industrial Cost Recovery Charges to Municipal Sewer Users -

(a) Category A -

Category A is defined as normal domestic strength wastewater having concentrations of BOD no greater than 250 mg/1, suspended solids no greater than 250 mg/1 and phosphorus no greater than 14 mg/1. The industrial cost recovery charge for Category A wastewater is as follows:

Volume Charge - \$.148/1,000 gallons

(b) Category B -

Category B is defined as those sanitary sewer users who discharge wastewater with concentrations in excess of 250 mg/1 BOD, 250 mg/1 of suspended solids, and 14 mg/1 of phosphorus. Users whose wastewater exceeds the concentrations for any one of these parameters shall be in Category B. The minimum Category B charge shall be based on a concentration of not less than 250 mg/1 for BOD, 250 mg/1 for suspended solids and 14 mg/1 for phosphorus. The industrial cost recovery charge for Category B wastewater is as follows:

Volume Charge - \$.148.1,000 gallons

Surcharge:

BOD greater than 250 mg/1 = \$.011/pound

Suspended Solids greater than 250 mg/1 = \$.011/pound

Phosphorus greater than 14 mg/1 = \$.161/pound

The Category B industrial cost recovery charges for volume, BOD, suspended solids and phosphorus shall be computed in accordance with the formula presented below:

$$R=(V \times R_V) + .00834V [(B \times R_B) + (S \times R_S) + (P \times R_P)]$$

(c) Reassignment of Sewer Users -

The Municipal Approving Authority shall reassign sewer users into appropriate industrial cost recovery categories if wastewater sampling programs and other related information indicate a change of categories is necessary.

(d) Recovery and Disbursement of Industrial Cost Recovery Charge Revenues -

The recovery and the disbursement of revenues collected by the Municipality and transmitted to the City through the industrial cost recovery charge shall conform to the Code of Federal Regulations (Title 40, Part 35.298-1 and Part 35.928-2) reproduced below, as promulgated by the Clean Water Act of 1977:

35.928-1 Approval of the industrial cost recovery system.

The Regional Administrator may approve an industrial cost recovery system if it meets the following requirements:

1. General -

Each industrial user of the treatment works shall pay an annual amount equal to its share of the total amount of the Step One, 2 and 3 grants and any grant amendments awarded hereunder, divided by the number of years in the

recovery period. An industrial user's share shall be based on factors which significantly influence the cost of the treatment works. Volume of flow shall be a factor in determining an industrial user's share in all industrial cost recovery systems; other factors shall include strength, volume and delivery flow rate characteristics, if necessary, to insure that all industrial users of the treatment works pay a proportionate distribution of the grant assistance allocable to industrial use.

2. Industrial Cost Recovery Period -

The industrial cost recovery period shall be equal to thirty (30) years or to the useful life of the treatment works, whichever is less.

3. Frequency of Payment -

Except as provided in 34.928-3, each industrial user shall pay not less often than annually. The first payment by an industrial user shall be made not later than one year after the user begins use of the treatment works.

4. Reserve Capacity -

If an industrial user enters into an agreement with the grantee to reserve a certain capacity in the treatment works, the user's industrial cost recovery payments shall be based on the total reserved capacity in relation to the design capacity of the treatment works. If the discharge of an industrial user exceeds the reserved capacity in volume, strength or delivery flow rate characteristics, the user's industrial cost recovery payment shall be increased to reflect the actual use. If there is no reserve capacity agreement between the industrial user and the grantee, and a substantial change in the strength, volume, or delivery flow rate characteristics of an industrial user's discharge occurs, the user's share shall be adjusted proportionately.

5. Upgrading and Expansion -

- a. If the treatment works are upgraded, each existing industrial user's share shall be adjusted proportionately.
- b. If the treatment works are expanded, each industrial user's share shall be adjusted proportionately, except that a user with reserved capacity under paragraph (d) of this section shall incur no additional industrial cost recovery charges unless the user's actual use exceeded its reserved capacity.

[Paragraph f. was omitted in the Federal Regulations.]

6. Collection of Industrial Cost Recovery Payments -

Industrial cost recovery payments may be collected on a systemwide or on a project-by-project basis. The total amount collected from all industrial users on a systemwide basis shall equal the sum of the amounts which would be collected on a project-by-project basis.

7. Adoption of System -

One or more municipal legislative enactments or other appropriate authority must incorporate the industrial cost recovery system. If the project is a regional treatment works accepting wastewaters from other municipalities, the subscribers receiving waste treatment services from the grantee shall adopt industrial cost recovery systems in accordance with §204(b)(1)(b) of the Act, and sections 35.928 through 34.928-4. These industrial cost recovery systems shall also be incorporated in appropriate municipal legislative enactments or other appropriate municipal legislative enactments or other appropriate authority of all municipalities contributing wastes to the treatment works.

8. Inconsistent Agreements -

the grantee may have pre-existing agreements, which address the reservation of capacity in the grantee's treatment works or the charges to be collected by the grantee in providing wastewater treatment services or reserving capacity. The industrial cost recovery system shall take precedence over any terms or conditions of agreements or contracts between the grantee and industrial users which are inconsistent with the requirements of §204(b)(1)(B) of the Act and these industrial cost recovery regulations.

35.928-2 Use of industrial cost recovery payments.

- a. The grantee shall use industrial cost recovery payments received from industrial users as follows:
  - i. The grantee shall return 50% of the amounts received from industrial users, together with any interest earned thereon, to the U.S. Treasury annually.
  - ii. The grantee shall retain 50% of the amount recovered from industrial users.
    1. A portion of the amounts, which the grantee retains, may be used to pay the incremental costs of administration of the industrial cost recovery system. The incremental costs of administration are those costs remaining after deducting all costs reasonably attributable to the administration of the user charge system. The incremental costs shall be segregated from all other administrative costs of the grantee.
    2. A minimum of 80% of the amounts the grantee retains after paying the incremental costs of administration, together with any interest earned, shall be used for the allowable costs (see 34.940) of any expansion, upgrading or reconstruction of treatment works necessary to meet the requirements of the Act. The grantee shall obtain the written approval of the Regional Administrator before the commitment of the amounts retained for expansion, upgrading or reconstruction.

3. The remainder of the amounts regained by the grantee may be used as the grantee sees fit, except that they may not be used for construction of industrial pretreatment facilities or rebates to industrial users for costs incurred in complying with user charge or industrial cost recovery requirements.
  - b. Pending the use of industrial cost recovery payments, as described in paragraph a. of this section, the grantee shall:
    - i. Invest the amounts received in obligations of the U.S. Government or in obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or
    - ii. Deposit the amounts received in accounts fully collateralized by obligations of the U.S. Government or any agency thereof.
- (11) Billing Practice to Municipal Sewer Users -
- (a) Calculation of Sewer Service Charges -

Sewer service charges that shall be assess to Municipal sewer users shall be computed by the Municipality according to the rates and formula presented in subparagraph (9).
  - (b) Calculation of Industrial Cost Recovery Charges -

Industrial cost recovery charges that shall be assessed to Municipal sewer users, shall be computed by the Municipality according to the rates and formulas presented in subparagraph (10).
  - (c) Sewer Service Charge Billing Period -

Sewer service charges shall be billed by the Municipality to the sewer users on a monthly basis.
  - (d) Industrial Cost Recovery Charge Billing Period -

Industrial cost recovery charges shall be billed by the Municipality to those subject to the charge on a monthly basis.
  - (e) Payment of Sewer Service Charges -

Those persons billed by the Municipality for sewer service charges shall pay such charges within thirty (30) days after the billing date at the Water Department.
  - (f) Payment of Industrial Cost Recovery Charges -

Those industries billed by the Municipality for industrial cost recovery charges shall pay such charges within thirty (30) days after the billing date at the Water Department. Industrial cost recovery charges collected by the Municipality from the industries with respect to City wastewater collection and treatment facilities shall be turned over to the City within sixty (60) days from the date that the Municipality bills the industry.

## (g) Penalties -

Such sewer service charges and industrial cost recovery charges levied by the Municipality against the sewer users in accordance with this section shall be a debt due to the Municipality and shall be a lien upon the property. If this debt is not paid with thirty (30) days after it is due, it 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 of reducing or eliminating these penalties.

## (12) Right of Entry, Safety and Inspection -

## (a) Right of Entry -

The City and Municipal Approving Authorities or other duly authorized employees of the City 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 code and Wis. Stat. § 66.0119. The City and Municipal Approving Authorities, or other duly authorized employees of the City 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 or waterways or wastewater treatment facilities.

## (b) Safety -

While performing the necessary work and inspection on private premises, the duly authorized City and Municipal employees shall observe all safety rules applicable to the premises established by the owner or occupant of the premises; and the City or Municipality shall indemnify the owner or occupant against loss or damage for personal injury or property damage asserted against the owner or occupant and growing out of inspection, gauging and sampling operations and indemnify the owner or occupant against loss or damage to its property by City or Municipal employees, except as such may be caused by negligence or failure of the person to maintain safe conditions as required in Section 13.03(3)(d), or as otherwise required by law.

## (c) Identification; Right to Enter Easements -

The City and Municipal Approving Authorities or other duly authorized employees of the City and Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the City or Municipality hold easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within such easement, all subject to the terms, if any, of the easements.

## (13) Sewer Construction and Connections -

## (a) Work Authorized -

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb the sanitary sewer or appurtenance thereof without first obtaining a written permit from the Municipal Approving Authority.

## (b) Cost of Sewer Connection -



All costs and expenses incident to the installation and connection of the building sewer shall be borne by the person. The person shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(c) Use of Old Building Sewers -

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Municipal Approving Authority, to meet all requirements for this section.

(d) Materials and Methods of Construction -

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(e) Building Sewer Grade -

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

(f) Storm and Groundwater Drains -

1. No persons shall make connection of roof down spouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer.
2. All existing down spouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within sixty (60) days or 120 days of the date of an official written notice from the Municipal Approving Authority or as otherwise provided by Section 13.13(4) of the Code. Exceptions to the above shall be made by the Municipal Approving Authority.

(g) Conformance to Plumbing Codes -

The connection of the building sewer into the sanitary sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipal Approving Authority or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials shall be approved by the Municipal Approving Authority before installation.

(h) Inspection of Connection -

The applicant for the building sewer permit shall notify the Municipal Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Municipal Approving Authority.

(i) 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 Municipal Approving Authority.

(14) 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 is declared to be 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 upon complaint to insure 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 Municipality 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 (10) days. If such nuisance is not removed within ten (10) days, the proper officer shall cause the nuisances to be removed as provided in Section 13.03(14)(c).

(e) Other Methods Not Excluded -

Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Municipality or its officials in accordance with the laws of the State of Wisconsin.

(f) Court Order -

Except when necessary under Section 13.03(14)(c), 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 requiring the abatement of the public nuisance.

(g) 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 Municipality 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.

(h) Penalties -

Any person, or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided, shall upon conviction thereof, forfeit not more than Two Hundred Dollars (\$200.00), together with the costs of prosecution. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the Sheboygan County Jail for a period not to exceed thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(i) Liability to Municipality and City for Losses -

1. Any person violating any provisions of this section shall become liable to the Municipality and City for any expense, loss or damage occasioned by reason of such violation, which the Municipality and City may suffer as a result thereof.
2. If any violations affect the City wastewater collection and treatment facilities, as well as the Municipal sanitary wastewater collection facilities, the City may penalize the violator independently and concurrently with the Municipality according to the City's ordinance.
3. The Municipal Approving Authority shall be notified immediately by any person becoming aware of any violations that occur.

(15) Appeal Procedure -

- (a) Any user, permit applicant, or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Municipal Approving Authority interpreting or implementing the provisions of this section or in any permit issued herein, may file with the Municipal Approving Authority a written request for reconsideration within ten (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 Municipal Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (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 (10) days after notification of the ruling, file a written appeal with the City Council.

- (b) A fee of Twenty-five Dollars (\$25.00) shall accompany any appeal to the City Council for their ruling. This fee may be refunded if the appeal is sustained in favor of the applicant.
- (c) The written appeal shall be heard by the City Council within forty-five (45) days from the date of filing. The City Council shall make a final ruling on the appeal within sixty (60) days from the date of filing.

(16) Validity -

If any provisions of the City ordinance are in conflict with this section, the former shall control.

(17) Annual Audit -

The Municipality shall conduct an annual audit, the purpose of which shall be to maintain the proper proportion among users and user classes of the sewer service charge system and to ensure that the adequate revenues are available to meet the charges assessed to the Municipality by the City. Copies of the municipal annual audit report shall be submitted to the City Approving Authority after the municipal annual audit has been completed.

#### **13.04 Special Assessments for Water Main Construction**

- (1) The cost of the installation of water mains and related equipment within the municipal limits of the Municipality shall be assessed to the benefitted property owners pursuant to the procedures set forth in Wis. Stat. § 66.0703, including any amendments thereto. One hundred percent (100%) of the cost of any such water main up to eight (8") inches in diameter; including valves and valve manholes, shall be charged, levied and collected from the benefitted properties. The Municipality shall assume and pay for the difference in cost for any water main installed, which exceeds eight (8") inches in diameter; if such increased size of main shall add to the cost of valves and valve manholes due to such increased size, the City shall bear and pay for such additional cost. The costs for the installation of all water hydrants and water hydrant leads and water hydrant valves shall be assumed and paid for by the Municipality.
- (2) The cost of the installation of water laterals from the water main to the lot line shall be assessed 100% to the property owner benefitted as provided by subsection (1).
- (3) The cost of the installation of a water main within an intersection or where abutting property is public right-of-way shall be paid by the Municipality.

#### **13.05 Drainage In Storm Sewers Regulated**

- (1) No person shall open any storm sewer or connect any rain water leader or area drain therewith without permission from the Municipal Approving Authority and subject to such conditions as the Municipal Approving Authority may impose.
- (2) The Municipal Approving Authority may examine and inspect all premises within the City for the purpose of determining whether any violation of this section exists.

- (3) No person shall prevent, delay or interfere with the Municipal Approving Authority, or any of their agents or employees, while they are engaged in the performance of duties imposed by this section.

### **13.06 Independent Storm Sewer Service**

- (1) Every building constructed after December 20, 1971, within the City shall be separately and independently connected to a storm sewer service pipe where there is such storm sewer service pipe adjoining the lot or parcel of land on which such building is to be constructed; such connection shall be for the purpose of draining any and all rain water leaders, area drains, drain tile from footings of buildings, foundation drains, and floor drains connecting directly to an underground building drain; any of such new construction requiring a sump pump for the evacuation of the drainage of the waters herein set forth shall be connected separately and independently with such a storm sewer service pipe.
- (2) No permit shall be issued for the construction of any building in the City on any lot or any parcel of land unless the plans and specifications show connections in compliance with this section.

### **13.07 Storm and Sanitary Sewer Laterals Required**

- (1) Each building lot presently located and existing within the Municipality, and all future lots created by subdivision or otherwise, shall be required to install all sanitary sewer laterals as soon as the sanitary sewer mains have been installed; and all such lots shall be required to install storm sewer laterals as soon as storm sewer mains have been installed.
- (2) All lots, which shall be created by subdivision or otherwise, shall be required to install such laterals simultaneously with the installation of the storm and sanitary sewer mains.
- (3) Surface or Storm Water -

No person shall, by a drain or down-spout or otherwise, permit any surface or storm water to drain into the sanitary sewers. All clear water drains, including roof drains, surface drains, sub-soil drains, refrigerator cooling water drains, water cooled air conditioning drains and any other clear water drains not described herein, shall discharge into a storm sewer wherever possible, but in no case discharge into a sanitary sewer where no storm sewer is available. Where clear water drains are connected to existing sanitary sewers, the property owner shall, upon written notice from the Municipal Approving Authority, disconnect or cause to be disconnected all clear water drains from the sanitary sewer.

- (4) Sump pumps shall be installed for the purpose of discharging clear waters from foundation drains and ground infiltration and where a building is not serviced by a storm sewer shall either discharge into an underground conduit leading to a drainage ditch provided for that purpose or shall discharge onto the ground of the property owner at least one foot or more from the building and above permanent grade. No sump discharge shall be allowed to flow on or across a public sidewalk or public street. Sump discharge shall be discharged so that it does not discharge upon a neighbor's property increasing thereby above-ground water flow onto such adjacent property.

### **13.08 Special Assessments for Construction of Sanitary Sewers, Storm Sewers, Drains and Ditches<sup>5</sup>**

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<sup>5</sup> Rescinded and Recreated by Ordinance No. 3-1990/91, Adopted May 21, 1990.

The costs of constructing sanitary sewers, storm sewers, drains and ditches, the City may proceed under its police power and follow the procedure set forth in Wisconsin Statute § 66.0703, and the provisions of said section as same may be amended are incorporated herein by reference to provide for the payment of all or any part of the cost of the work or improvement constructed.

### 13.09 Compulsory Connection to Sewer and Water

(1) Notice to Connect -

Whenever the public sewer or water system becomes available to any public, commercial, mercantile or business building or any building used for human habitation, the Municipal Approving Authority shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities required by the Municipal Approving Authority. If the person to whom notice has been given fails to comply within ten (10) days after notice, the Municipal Approving Authority shall cause the necessary connections to be made; and the expense thereof shall be assessed as a special tax against the property pursuant to Wisconsin Statute § 62.16(2)(a).

(2) Deferred Payment -

The owner or his agent or the occupant may, within thirty (30) days after the completion of the work, file a written option with the City Treasurer electing to pay the amount of the assessment in five (5) equal annual installments with interest on the unpaid balance at 8% per year.

(3) Privies and Waterless Toilets Prohibited -

After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building..

(4)<sup>6</sup> No openings shall be permitted in any water or sewer line from the point of connection with the building to the point of connection with the main.

### 13.10 Well Abandonment and Well Operation Permit<sup>7</sup>

(1) Purpose -

To protect public health, safety, and welfare and to prevent contamination of groundwater by assuring that unused, unsafe, or noncomplying wells or wells, which may act as conduits for contamination of groundwater, or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned.

(2) Applicability -

This ordinance applies to all wells located on premises served by the City of Sheboygan Falls municipal water system. Utility customers outside the jurisdiction of the municipal

<sup>6</sup> Created by Ordinance No. 4-1982-83, Adopted \_\_\_\_\_, 19\_\_\_\_.

<sup>7</sup> Repealed and Recreated by Ordinance No. \_\_\_\_ -1998/99, Adopted April \_\_\_\_\_, 1998.

system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Paragraph (1) above.

(3) Definitions -

- (a) "Municipal water system" means a community water system owned by a city, village, county, town, town sanitary district, utility district, or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
- (b) "Noncomplying" means a well or pump installation, which does not comply with Section NR 812.42, Wis. Adm. Code, Standards for Existing Installations, and which has not been granted a variance pursuant to NR 812.43, Wis. Adm. Code.
- (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 exceeds the drinking water standards of Section NR 812.06, Wis. Adm. Code, 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 used or does not have a functional pumping system.
- (f) "Well" means an excavation or opening in to the ground made by digging, boring, drilling, riving, or other methods for the purpose of obtaining groundwater for consumption or other use.
- (g) "Well abandonment" means the proper filling and sealing of a well according to the provisions of Section NR 812.26, Wis. Adm. Code.

(4) Abandonment Required -

All wells on premises served by the municipal water system shall be properly abandoned in accordance with Paragraph (6) of this ordinance no later than ninety (90) days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the City of Sheboygan Falls under terms of Paragraph (5) of this ordinance.

(5) Well Operation Permit -

Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well no later than ninety (90) days after connection to the municipal water system. The City of Sheboygan Falls shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The City of Sheboygan Falls, or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense using independent certified contractors 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 Clerk. The following conditions must be met for issuance or renewal of a well operation permit:

- (a) The well and pump installation shall meet or may be upgraded to meet the Standards for Existing Installations described in Section NR 812.42, Wis. Adm. Code.
  - (b) The well and pump shall have a history of producing safe water evidenced by at least two (2) coliform bacteria samples taken a minimum of two (2) weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to evidence safety of the water.
  - (c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
  - (d) The well water shall not discharge into a drain leading directly to a public sewer utility unless property metered and authorized by the sewer utility.
  - (e) The well shall have a functional pumping system and the proposed use of the well water can be justified as reasonable in addition to water provided by the municipal water system.
- (6) Abandonment Procedures -
- (a) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of Section NR 812.26, Wis. Adm. Code. All debris, pumps, piping, unsealed liners, and any other obstructions which may interfere with sealing operations, shall be removed prior to abandonment.
  - (b) The owner of the well, or the owner's agent, may be required to obtain a well abandonment permit prior to any well abandonment and notify the Clerk in advance of any well abandonment activities. The abandonment of the well may be observed or verified by inspection by the municipal system.
  - (c) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

(7) Penalties -

Any well owner violating any provision of this ordinance shall, upon conviction, be punished by forfeiture or not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) and the cost of prosecution. Each day of violation is a separate offense. If a person fails to comply with this ordinance for more than thirty (30) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

### 13.11 Cross Connection Prohibited

(1) Cross Connection Defined -

Cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of



Sheboygan Falls water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

(2) Cross Connection Prohibited -

No person, firm, or corporation 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, auxiliary, or emergency water supply other than the regular public water supply of the City of Sheboygan Falls may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Sheboygan Falls Common Council and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wis. Adm. Code. It shall be the duty of the building inspector to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the Sheboygan Falls Common Council and as approved by the Wisconsin Department of Natural Resources.

(3) Entry to Structures Permitted -

Upon presentation of credentials, the building inspector or representative of the Sheboygan Falls Common Council shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Sheboygan Falls for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under Wisconsin Statute § 66.0119. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(4) Disconnection Authorized -

The Sheboygan Falls Common Council is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68 of the Wisconsin Statutes, except as provided in this section. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance. If it is determined by the Sheboygan Falls Common Council that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk of the City of Sheboygan Falls and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Ch. 68 of the Wisconsin Statutes, within ten (10) days of such emergency discontinuance.

(5) Effect of Section -

This Section does not supersede Chapter 15 of this Municipal Code, but is supplementary to it.

**13.12 Certification of Compliance With Clearwater Requirements<sup>8</sup>**

- (1) No person shall sell, transfer, or convey ownership of a building serviced by a sanitary sewer until such time as a certificate of compliance has been obtained from the building inspection department as provided in this section. Changing ownership or accepting change of ownership without such certificate of compliance shall constitute a violation of this Code and shall be subject to the enforcement provisions and penalties set forth in Sections 13.03(14) and 13.15 of the Code.
- (2) Upon request to the Municipality, an inspection shall be conducted of the premises to ensure compliance with the provisions of Sections 13.03(2) and 13.07(3) and (4) of the Code relating to illegal surface or ground water connections into the sanitary sewer system. Such inspection shall occur on or before the sale, transfer, or conveyance of title of any such building, but may occur thereafter if not requested earlier by the owner.
- (3) A certificate of compliance shall be issued by the Municipal Approving Authority if the building is found to be in compliance with the provisions of the Code relating to surface and ground water connections.
- (4) A notice of noncompliance shall be issued by the Municipal Approving Authority to the owner of record of any building found not to be in compliance with the provisions of Sections 13.03(2) and 13.07(3) and (4). The notice shall set forth the areas of noncompliance and shall order the owner to bring the building into compliance.
  - (a) Orders applicable to buildings where a sump pump installation is illegal shall have a sixty- (60-) day compliance period.
  - (b) Orders applicable to buildings where clear water is illegally entering the sanitary sewer system via an under-the-basement floor connection shall have a one hundred twenty- (120-) day compliance period.
- (5) In the event a request for a certificate of compliance is made within twelve (12) months of the issuance of a previous certificate of compliance, a reinspection of the premises will not be required.
- (6) Any present or proposed owner of a building feeling aggrieved by the issuance of a notice of non-compliance may appeal to the Municipal Approving Authority and Common Council by following the procedure outlined in Section 13.03(15) of the Code.
- (7) A certificate of compliance indicates that so far as can be reasonably determined by a 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 or issuance of a certificate of compliance, and the issuance of a certificate of compliance does not guarantee or warrant the condition of the premises inspected.
- (8) In order not to delay or prevent a pending sale of a property affected by this section, a buyer or other transferee may file with the Municipal Approving Authority evidence of a contract or accepted bid for work which, when completed, will bring the property into compliance with the provisions of Sections 13.03(2) and 13.07(3) and (4) of this Code within the time limits set forth in subsection (4) above, along with evidence that adequate funds have been escrowed to complete said work, and a stipulation agreeing to bring the

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<sup>8</sup> Created by Ordinance No. \_\_\_\_\_ -1998/99, Adopted April 6, 1999.

property into compliance with the provisions of Sections 13.03(2) and 13.07(3) and (4) within the applicable time limits. This evidence and stipulation may only be filed after the inspection provided for in subsection (2) above has been made. Failure by the buyer or transferee to bring the property into compliance within the applicable compliance period shall constitute a violation of this Code and the buyer and transferee shall be subject to the penalties set forth in Sections 13.03(14) and 13.15.

- (9) This section shall apply to all real estate sales, transfers, and conveyances occurring on and after June 1, 1999.
- (10) The owner or transferee shall pay the Municipal Approving Authority a clearwater compliance inspection fee, as required by Section 14.26(2)(d) of the Code, prior to the issuance of any clearwater compliance certificate.

### 13.13 City of Sheboygan Industrial Wastewater Pretreatment Program Adopted<sup>9</sup>

- (1) Program Adopted -

The City of Sheboygan Industrial Wastewater Pretreatment Program as passed by the Common Council of the City of Sheboygan on May 16, 1994, as General Ordinance No. 3-1994-95, is hereby adopted by reference and made a part of the Municipal Code of the City of Sheboygan Falls.

- (2) Designating Control Authority -

The City of Sheboygan is hereby appointed the control authority responsible for administering the herein pretreatment Ordinance, and unless otherwise specifically provided, the supervisor of the Sheboygan POTW shall administer, implement, and enforce the provisions of this Ordinance.

- (3) Penalty -

A violation of any provision of this Industrial Wastewater Pretreatment Program, a permit or order issued thereunder, or any applicable pretreatment standard or requirement shall constitute a violation of this section and shall be punishable as follows:

- (a) Informal Notice -

Whenever the POTW finds an Industrial User is in minor noncompliance of this chapter, a permit issued hereunder, or any other applicable Pretreatment Standard or Requirement, the POTW may telephone the User or send a letter informing the User of the minor violation. If the violation is expeditiously corrected, the POTW may decide not to take further enforcement action.

- (b) Notice of Violation -

Whenever the POTW finds that an Industrial User is in violation of this chapter, a permit issued hereunder, or any other applicable Pretreatment Standard or Requirement, the POTW may issue the User written notice of violation. Within fifteen (15) days of issuance of this notice, the User shall submit to the POTW a written response explaining the cause of the violation and what corrective action has been or will be taken to prevent future violations.

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<sup>9</sup> Created by Ordinance No. \_\_\_\_ -1994/95, Adopted \_\_\_\_\_, 1995.

## (c) Administrative Order -

When the POTW finds that an Industrial User has violated or continues to violate any provisions of this chapter, a permit issued hereunder, or any other applicable Pretreatment Standard or Requirement, the Control Authority may issue an order to the Industrial User directing that unless specific requirements are met and compliance is achieved within a specified period of time, the User may be fined and/or sewer service may be terminated.

## (d) Administrative Fines -

Any User who is found to have violated any provision of this chapter, a permit or order issued hereunder, or any other applicable Pretreatment Standard or Requirement shall be subject to fines up to \$1,000.00 per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation.

## (e) Civil Penalties -

Any User who has violated or continues to violate any provision of this chapter, a permit or order issued hereunder, or any applicable Pretreatment Standard or Requirement shall be liable to the POTW for civil penalties of up to \$10,000.00 per violation per day. In addition to the above penalties, the POTW may recover any expense, loss or damage incurred by the City, including monitoring expenses and reasonable attorney's fees, court costs, and other expenses associated with enforcement activities.

## (f) Termination of Service -

1. Any User who violates or continues to violate any provision of this chapter, a permit or order issued hereunder, or any other applicable Pretreatment Standard or Requirement shall be subject to suspension or termination of sewer service.
2. Any User notified by the POTW of a suspension or termination of sewer service and/or suspension or revocation of a wastewater discharge permit shall stop or eliminate the contribution. In an emergency, the order to cease discharge may be given by telephone. In non-emergency situations, an administrative order may be used to suspend or terminate sewer service. In the event the User fails to comply with the suspension or termination order, the Control Authority shall take all steps as deemed necessary to halt the discharge including immediate severance of the sewer connection.
3. The POTW shall not reinstate the wastewater discharge permit and/or the sewer service until proof of the elimination of the noncomplying discharge.

### **13.14 Replacement of Lead Water Laterals and Non-Code Compliant Sanitary Sewer Laterals.**

## (1) System Inspection Required.

The Director of Public Works or his or her designee shall inspect all private connections to the public water mains and sanitary sewer mains at the time work is performed on the utility system.

- (2) Lead Water Lateral Replacement.
- (a) Identification of Lead Laterals.
1. Prior to the actual reconstruction of the water main and lateral system, each property owner shall be given written notice of the project. Such notice shall be made not less than thirty (30) days prior to commencement of the actual work.
  2. As the reconstruction progresses, the Director of Public Works or his/her designee shall inspect each private water lateral connection for the presence of lead; or, in the event the connection had been previously inspected, determine whether lateral replacement is required.
  3. In the event that the private water lateral is found to contain lead, the Director of Public Works or his/her designee shall notify the owner of the deficiency in writing, and provide a deadline for replacement of the lead water lateral which shall not be less than sixty (60) days from the date of the deficiency notice.
  4. In the event that the private water lateral does not contain lead, the City shall reconnect the same to the Utility system at appropriate point near the right-of-way line.
- (b) Owner to Replace Lead Service Lateral. The owner shall, at the owner's expense, replace the lead service lateral. In all cases, the City shall supply an appropriate connection point as part of its work. The owner may elect to:
1. Contract with a licensed contractor to complete the replacement. All work needed to accomplish the replacement shall be done at the expense of the owner. Within thirty (30) days of the giving of notice of deficiency under Subsection (2)(a)(3), above, proof of arrangements for repair shall be provided to the Director of Public Works or his/her designee and within sixty (60) days of said giving of notice the repairs shall be completed. If the owner fails to complete the repairs within sixty (60) days, the lead lateral replacement shall be performed by the City's contractor at the City's option and the charges therefrom shall be charged as a special assessment in the same manner as if the property owner had elected for the City to complete the replacement as provided in Subsection (2)(b), below.
  2. 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 replacement of the private building water laterals.
    - b. If available and should the owner select this option, the owner will be charged the entire cost of replacement. The owner may elect to pay the entire amount upon completion of the work or the owner may request to be charged as a special assessment pursuant to Wis. Stat. § 66.0703 in ten (10) annual installments plus interest at a rate equal to the current interest rate being charged for loans from the Wisconsin Trust Fund plus one percent.

- c. Any existing private lead water lateral shall be considered illegal and a public nuisance.
- (3) Non-code Compliant Sanitary Sewer Lateral Replacement.
    - (a) Identification of non-code compliant laterals
      1. Prior to the actual reconstruction of the municipal water system or other utility work, the City shall give each property owner written notice of the project. Such notice shall be made not less than thirty (30) days prior to commencement of the actual work.
      2. The Director of Public Works or his or her designee shall inspect all private sanitary sewer connections at the time the municipal water system or other utility work is being performed adjacent to the property, or in the event the sanitary sewer connection had been previously inspected determine whether sanitary sewer internal replacement is required from inspection records.
      3. In the event the private sanitary sewer lateral is not compliant with current code requirements, or any other building and plumbing regulation related to material specifications for sanitary sewer laterals, the Director of Public Works or his/her designee shall notify the owner of the deficiency in writing and provide a deadline for replacement of the deficient lateral, which shall not be less than sixty (60) days from the date of the deficiency notice.
    - (b) Owner to Replace Non-Code Compliant Sanitary Sewer Laterals. The owner shall, at the owner's expense, replace the deficient sewer lateral. In all cases, the City shall supply an appropriate connection point as part of the work.
      1. All laterals made of clay tile, cast iron, ABS Truss, tar/paper composite, or other materials not in conformity with the material specifications required by current building and plumbing regulations, shall be considered non-code compliant.
      2. The owner may elect to contract with a licensed contractor as provided in Subsection (2)(b)(1) above or to have such replacement completed by the City as provided in Subsections (2)(b)(2), above. Should the owner fail to complete the replacement by the date set by the City for completion of the replacement, such replacement shall be charged to the property as a special assessment as provided in Subsection (2)(b) above.

### 13.15 Penalty

Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Sections 13.03(14) or 25.04 of this Municipal Code.