

**CHAPTER 10**  
**Health & Sanitation**  
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## **CHAPTER 10**

### **Health and Sanitation**

#### **10.01.000 HEALTH OFFICER: DUTIES AND POWERS.**

**10.01.010 General Duties.** The City Health Officer under the supervision of the District State Health Officer shall:

1. Make an annual sanitary survey and maintain continuous sanitary supervision over his territory.
2. Make a periodic sanitary inspection at least every 4 months of all school buildings, restaurants, dairies, grocery stores, meat markets and places of public assemblage and report thereon to those responsible for the maintenance thereof.
3. Promote the spread of information as to the causes, nature and prevention of prevalent diseases and the preservation and improvement of health.
4. Enforce the health laws, rules and regulations of the State Board of Health, the State and the City, including the laws relating to contagious diseases contained in Chapter 143, Wisconsin Statutes, and Chapters Health 45 through 49, Wisconsin Administrative Code, which are by reference made a part of this chapter.
5. Take steps necessary to secure prompt and full reports by physicians of communicable diseases and prompt and full registration of births and deaths.
6. Keep and deliver to his successor a record of all his official acts.
7. Make an annual report to the State Board of Health and to the Common Council and such other report as they may request.

**10.01.020 Materials and Supplies.** The Health Officer shall have the authority to procure at the expense of the City all record books, quarantine cards and other materials needed by the Board of Health, except such as are furnished by the State Board of Health.

**10.02.000 ABATEMENT OF HEALTH NUISANCES.** The Health Officer shall have the power to abate health nuisances in accordance with Section 146.14, Wisconsin Statutes, which is by reference made a part of this Chapter.

### **10.03.000 MILK AND MILK PRODUCTS.**

**10.03.010 Milk Products Defined.** The term “Milk Product” shall mean and include cream, homogenized milk, buttermilk, skim milk, milk beverages, skim milk beverages, milk or skim milk which have been fortified by the addition of vitamins or minerals and any other product made by the addition of any substance to milk or any of these named products and used for the same purposes, which may be designated by the Common Council as a milk product.

**10.03.020 License Required.** No person shall sell or distribute milk, or any milk product, as hereinafter defined, for direct human consumption or to any hotel, restaurant, store, vendor or other retailer for resale for human consumption unless such person possesses a valid license therefore granted by the City. No license shall be required for hotels, restaurants, stores, vendors and other retailers who sell the milk and milk products furnished by licensees in compliance with this section.

**10.03.030 Application.** Each application for a license shall state the name and address of the person applying for a license and the location of each premise where any item regulated by this section is bottled, pasteurized or otherwise prepared for distribution. The license shall be issued by the clerk upon payment of an annual fee of \$25.00 for each calendar year or portion thereof. Every license shall cease to be valid on December 31 of the year issued.

**10.03.040 Unlawful to Sell.** It shall be unlawful to sell, offer or expose for sale any milk or milk product which is adulterated or misbranded as those terms are defined in the Wisconsin Statutes.

**10.03.050 Grade A Products Only.** No person shall sell, offer or expose for sale any milk or milk product other than Grade A pasteurized milk or milk products as those terms are defined in the Wisconsin Administrative Code, Chapter Agriculture 80, issued by the State Department of Agriculture, a certified copy of which is filed in the office of the City Clerk.

### **10.04.000 COMPULSORY CONNECTION TO SEWERS.**

**10.04.010 Giving Notice.** A. Whenever public sewers and water mains are laid along and within any public street, alley or place in the City and ready for use, the Health Officer of the person appointed for that purpose shall notify, in writing, all owners of their agents and occupants of all houses, tenements, or other buildings situated on lots or parcels of land abutting upon such street, alley or place and accessible to such sewer and water main, to connect all water closets, bath tubs, cesspools, lavatories, sinks, urinals, and outside frost-proof closets, upon their respective lots or parcels of land with said sewer in a sanitary manner in accordance with the provisions of the Plumbing Code of the City and the State Plumbing Code within 10 days after service of such notice, provided such notice shall be given between March 1 and October 1.

**B. Giving Notice. Sewer Connection Fees.** The owner shall pay a sewer connection fee pursuant to the following schedule. No plumbing permits shall be issued by the City of Port Washington before payment of said connection fee (or minimum connection fee, in the case of industrial or commercial connection units).

The fees shall be as follows:

Fee per connection unit: \$400.00 if paid on or prior to December 31, 1992;  
\$500.00 if paid on or after January 1, 1993, but on or prior to December 31, 1993;  
\$600.00 if paid on or after January 1, 1994, but on or prior to December 31, 1994;  
\$700.00 if paid on or after January 1, 1995, but on or prior to December 31, 1995;  
\$800.00 if paid on or after January 1, 1996.

**C. Giving Notice. Definitions.**

1. Connection unit, residential. One connection unit is equal to one dwelling unit except that a single bedroom or efficiency apartment shall be considered 0.75 units.

2. Connection unit, industrial or commercial. Minimum fee equal to fee for one connection unit, with an additional connection fee for the use of each 1,000 cubic feet, or portion thereof, over one 1,500 cubic feet per month, based on the average usage calculated one year after occupancy.

**D. Giving Notice. Deposit of Fees.** Fees collected pursuant to this section shall be credited to the appropriate account to provide funds for emergency replacement of sanitary sewer and for planning, including protective maintenance, to prevent the need for emergency repairs. In the event that funds contained in said account exceeded \$50,000.00 at the close of any calendar year, any such excess funds shall be allocated for debt reduction or future plant expansion for the sewer system, or such other related purpose as the Common Council shall determine.

**10.04.020 Failure to Comply.** If any person so notified shall fail, refuse or neglect to comply with such notice, the Common Council shall proceed under Section 144.06, Wisconsin Statutes, to cause such connection to be made and the cost thereof assessed as a special tax against the said lots or parcels of land and the amount thereof levied and collected as are other taxes.

**10.04.030 After Compliance.** Whenever connection has been made as provided herein, all privy vaults, privies, cesspools and surface closets on such lots or parcels of land shall be removed and abated and the use thereof discontinued. If this subsection is not complied with, the Health Officer or officer charged with the duty thereof may cause such to be abated and the cost assessed as a special tax against the property and levied and collected as are other taxes.

**10.05.000 CONSTRUCTION AND MAINTENANCE OF CESSPOOLS AND PRIVIES IN AREAS WHERE PUBLIC SEWERS ARE NOT AVAILABLE.**

No person shall construct any cesspool, or other receptacle for filthy water, or convert any well into a cesspool, or erect any privy, within the City without having first obtained a written permit from the Board of Health. All persons shall keep and maintain all privy vaults, water closets, cesspools, sinks, drains and like receptacles upon premises owned or occupied by them, at all times in a cleanly and inoffensive condition, and shall obey any general or special rules and regulations or orders relative thereto, that may be duly made and published, or which may be served upon them by the Board of Health. No person shall open or empty any privy vault, cesspool, water closet or other receptacle for excrementitious, or filthy, or refuse matter, except under such conditions as the Board of Health may prescribe and with the permission of the Board.

**10.06.000 EMPTYING OF DRAINS AND SEWERS.** No person shall permit any drain or sewer from his dwelling house, barn, stable, shop or other building to empty or run into any open sewer or gutter, or into any of the streets or public alleys, or upon or over any sidewalk.

**10.07.000 DUMPING COMBUSTIBLE OR NOXIOUS LIQUIDS PROHIBITED.** No waste, oil, waste cleaning fluid, waste gasoline or other combustible or noxious liquid shall be dumped in any public or private property within the City or in any part of the public sewer system, except that such wastes may be dumped or discarded in a dumping ground provided by the City.

**10.08.000 SLAUGHTERHOUSES PROHIBITED WITHOUT PERMIT.** No person shall operate a slaughterhouse or conduct slaughtering or rendering operations within the City except upon permit issued by the Board of Health.

**10.09.000 GARBAGE AND REFUSE DISPOSAL.**

**10.09.010 Definitions.** The following terms shall have the meanings indicated:

1. **Garbage:** putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
2. **Newsprint:** a common and inexpensive machine-finished paper made chiefly from wood pulp and used mostly for newspapers.
3. **Pickup Location:** unless a different meaning is clearly manifest or as otherwise required by the Director of Public Works, pickup location shall mean for each eligible building, complex, dwelling unit, facility or residence a point at the curb line or roadside of the public street whereon the building, complex, dwelling unit, facility or residence from which collection is being made fronts.
4. **Recyclable Materials:** those materials defined in sec. 10.10.000 B. (21) of this chapter.
5. **Refuse:** all putrescible and nonputrescible solid wastes (except bodily wastes), including garbage, rubbish, dead animals and solid commercial and industrial wastes. Refuse as defined herein shall include recyclable materials, provided

that such materials are separated, cleaned, stored, managed, prepared, collected and disposed of in accordance with sec. 10.10.000 of this chapter.

6. **Rubbish:** nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard waste, wood, glad, bedding, crockery and similar materials.
7. **Yard Waste:** those wastes defined in sec. 10.10.000 B. (26) of this chapter.

**10.09.020 Collection; In General; Exceptions.**

- A. Except as provided herein, the City shall provide weekly refuse collection, and bi-weekly collection of recyclable materials, to:
  - (1) the owners and occupants of each single-family and two-family residence within the City, provided that the owners and occupants thereof comply with the terms and conditions set forth in this chapter and any refuse collection regulations made by the Director of Public Works.
  - (2) the owners and occupants of each commercial, retail, industrial, governmental and institutional facility within the City, provided that such refuse is contained in not more than one (1) two (2) cubic yard dumpster, and provided that the owners and occupants thereof comply with the terms and conditions set forth in this chapter and any refuse collection regulations made by the Director of Public Works.
- B. Collection of refuse and recyclable materials shall be provided by the City through contract(s) with such contractor(s) as the Common Council may determine.
- C. All buildings or complexes containing three or more residential dwelling units, and all commercial, retail, industrial, governmental and institutional facilities producing refuse which is not contained in one (1) two (2) cubic yard dumpster shall provide for at least weekly collection and disposal of refuse at the expense of the owner, occupant or entity producing such refuse. The Director of Public Works shall determine if the frequency of collection and method of disposal used by such buildings, complexes, dwelling units or facilities are adequate. The Director of Public Works is authorized to require more frequent collection and/or other methods of disposal if, in his or her opinion following inspection, accumulated refuse is creating or contributing to a public nuisance.
- D. All buildings or complexes containing three or more residential dwelling units, and all commercial, retail, industrial, governmental and institutional facilities producing refuse which is not contained in one (1) two (2) cubic yard dumpster, shall provide for at least weekly collection and disposal of refuse at the expense of the owner, occupant or entity producing such refuse. The Director of Public Works shall determine if the frequency of collection and method of disposal used by such buildings, complexes,

dwelling units or facilities are adequate. The Director of Public Works is authorized to require more frequent collection and/or other methods of disposal if, in his or her opinion following inspection, accumulated refuse is creating or contributing to a public nuisance.

- E. Refuse originating from sources outside the City of Port Washington shall not be collected.
- F. Exceptions: This ordinance shall not prohibit:
  - (1) the actual producers of refuse, or the owners or occupants of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse, provided that such producers, owners or occupants comply with the provisions of this ordinance and with any other governing laws, ordinances or regulations.
  - (2) collectors of refuse from outside of the City of Port Washington from hauling such refuse over City streets, provided that such collectors comply with the provisions of this ordinance and with any other governing laws, ordinances or regulations. Authorization for such outside collectors to collect or haul such refuse shall first be obtained from the Director of Public Works.

**10.09.030 Collection Supervised by Director of Public Works; Grant and Limitation of Authority.**

All refuse accumulated in the City shall be collected, conveyed and disposed of under the supervision of the Director of Public Works. The Director shall have authority to modify existing rules and regulations, or make additional reasonable rules and regulations, for the administration of refuse collection services of all types performed in the City of Port Washington, including, but not limited to: the frequency and days of collection, type and location of refuse containers, manner and routes of collection, and such other matters pertaining to the collection, conveying and disposal of refuse as he or she shall determine necessary; provided, however, that such rules and regulations are not contrary to the provisions hereof or inconsistent with the established policies of the Board of Public Works, and provided further that no change in the day(s) of collection shall be made except upon publication of a Class 1 notice in the official newspaper of the City.

**10.09.040 Pre-Collection Practices.**

- 1. Separation of Refuse. Garbage and other rubbish may be combined in containers with the following exceptions:

Yard waste shall be separated from other refuse.

Recyclable materials, non-combustible items and any other materials prohibited by the Wisconsin Department of Natural Resources from disposal in a licensed sanitary landfill shall be separated from other refuse.



2. Preparation of Refuse.

Garbage shall be thoroughly drained and securely wrapped.

Tree trimmings and similar material shall be cut to a length not to exceed five (5) feet. Such material exceeding five (5) feet in length or six (6) inches in diameter shall be considered non-combustible refuse.

Recyclable materials shall be prepared in accordance with sec. 10.10.000 of this chapter.

3. Containers shall be provided by the owner, tenant, lessee or occupant of the premises. Only plastic disposable bag containers of a maximum size of thirty (30) gallons and a maximum weight of fifty-five (55) pounds per bag shall be authorized for collection purposes. Metal or plastic trashcans, household wastebaskets, cardboard boxes and plastic shopping bags are not approved collection containers. Collection containers shall be placed at the pickup location not earlier than 6:00 p.m. the evening immediately preceding the day of collection. The Director of Public Works may refuse collection services for failure to comply with the refuse separation, preparation, storage, management, collection and/or disposal requirements of this chapter.
4. Storage of Refuse. No person shall place any refuse in any street or other public place, or upon any private property, whether or not owned by such person, within the City, unless such refuse is in proper containers for collection or with the express approval of the Director of Public Works. Any unauthorized accumulation of refuse on any premises within the City shall be deemed a public nuisance.

**10.09.050 Placement at Pickup Location; In General; Exceptions.**

- A. Except as provided in subsection B. hereof, refuse containers, bundles or objects, whether combustible or non-combustible, and newsprint, shall be placed at the pickup location, between the sidewalk and the curb. If no sidewalk exists, the containers, bundles, objects and newsprint shall be placed no closer than one (1) foot nor farther than five (5) feet from the traveled portion of the public street.
- B. Exceptions: Notwithstanding subsection A. hereof:
- (1) In downtown, high density commercial districts, and in industrial plant site areas, the pickup location for refuse containers shall be as approved by the Director of Public Works or his or her designee.
  - (2) In residential districts, if the occupant is unable to meet the requirements of this ordinance due to physical or mental disability or impairment, the pickup location or refuse

containers shall be as approved by the Director of Public Works or his or her designee.

- (3) Any request for an exception from the regular pickup location shall be submitted in writing to the Director of Public Works. If the request for an exception is denied, the person or entity requesting such exception may, within ten (10) days of the date of the decision, appeal the decision to the Board of Public Works which shall determine the matter by simple majority vote, provided a quorum is present. Upon appeal, the Board of Public Works may authorize in specific cases an exception from the terms of this section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship, so that the spirit of this section shall be observed, public health, safety and welfare secured, and substantial justice done. In making its determination, the Board of Public Works shall consider whether the proposed exception would result in a pickup location being hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects, and may impose such requirements and conditions with respect to pickup location, in addition to any which may be provided for in this section, as the Board of Public Works may deem necessary for the protection of adjacent properties and the public interest, health, safety and welfare. The grounds of every such appeal determination shall be stated.

**10.09.060 Special Refuse Matters.**

1. Highly inflammable or explosive materials shall be disposed of by the owner or possessor thereof upon notice from the Director of Public Works.
2. Large appliances shall have all doors and latches removed during storage for collection.
3. Refuse from temporary construction or similar process shall be contained and disposed of by the contractor, or, upon failure of the contractor to remove the same, by the property owner.

**10.09.070 Special Refuse Matters: (Renumbered 10.09.060)**

**10.09.080 Director of Public Works. (Repealed)**

## **10.10.000 RECYCLING.**

A. **Administration.** The provision of this ordinance shall be administered by the City of Port Washington Recycling Committee.

B. **Definitions.** For the purposes of this ordinance:

(1) **“Bi-Metal container”** means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(2) **“Container board”** means corrugated paperboard used in the manufacture of shipping containers and related products.

(3) **“Foam Polystyrene packaging”** means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

- (i) is designed for serving food or beverages;
- (ii) consists of loose particles intended to fill space and cushion the packaged article in a shipping container;
- (iii) consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(4) **“HDPE”** means high-density polyethylene, labeled by the SPI code #2.

(5) **“LDPE”** means low density polyethylene, labeled by the SPI code #4.

(6) **“Local Authorized Dealer”** means a business or individual that is authorized to accept for recycling or other processing any recyclable materials.

(7) **“Magazines”** means magazines and other materials printed on similar paper.

(8) **“Major appliance”** means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

(9) **“Multiple-family dwelling”** means a property containing five (5) or more residential units, including those which are occupied seasonally.

(10) **“Newspaper”** means a newspaper and other materials printed on newsprint.

(11) **“Non-residential facilities and properties”** means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(12) **“Office paper”** means high-grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

- (13) **“Other resins or multiple resins”** means plastic resins labeled by the SPI code #7.
- (14) **“Person”** includes any individual, corporation, partnership, association, local governmental unit, as defined in s. 66.299 (1) (a), Wis. Stats., state agency or authority or federal agency.
- (15) **“PETE”** means polyethylene terephthalate, labeled by the SPI code #1.
- (16) **“Plastic container”** means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (17) **“Postconsumer waste”** means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61 (5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44 (7) (a) 1., Wis. Stats.
- (18) **“PP”** means polypropylene, labeled by the SPI code #5.
- (19) **“PS”** means polystyrene, labeled by the SPI code #6.
- (20) **“PVC”** means polyvinyl chloride, labeled by the SPI code #3.
- (21) **“Recyclable materials”** includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (22) **“Solid waste”** has the meaning specified in s. 289.01 (33), 287.00, Wis. Stats.
- (23) **“Solid waste facility”** has the meaning specified in s. 144.43 (5), Wis. Stats.
- (24) **“Solid waste treatment”** means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. **“Treatment”** includes incineration.
- (25) **Waste tire”** means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (26) **“Yard waste”** means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

**C. Separation of Recyclable Materials.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- (1) Lead acid batteries
- (2) Major appliances
- (3) Waste oil
- (4) Yard waste
- (5) Aluminum containers
- (6) Bi-metal containers
- (7) Corrugated paper or other container board
- (8) Foam polystyrene packaging
- (9) Glass containers
- (10) Magazines
- (11) Newspaper
- (12) Office paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel containers
- (15) Waste tires

**D. Separation Requirements Exempted.** The separation requirements of Subd. C. do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subd. C. from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (3) A recyclable material specified in Subd. C.5. through Subd. C.15. for which a variance has been granted by the Department of Natural Resources under s. 159.11 (2m), Wis. Stats., or s. NR 544.14, Wisconsin Administrative Code.

**E. Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Subd. C. shall be clean and free of contaminants such as food or produce residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions.

**F. Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

- (1) Lead acid batteries shall be taken to a local authorized dealer accepting this product.
- (2) Major appliances shall be taken to a local authorized dealer accepting this product.
- (3) Waste oil shall be taken to a local authorized dealer accepting this product.
- (4) Yard waste shall be taken to the City Garage yard for disposal.

**G. Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the City Council, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in Subd. C.5. through Subd. C.15:

- (1) Aluminum containers shall be mixed together with other recyclables in blue recycling bags and placed at curb on the designated collection day.
- (2) Bi-metal containers shall be mixed together with other recyclables in blue recycling bags and placed at curb on the designated collection day.
- (3) Corrugated paper or other container board shall be bundled (no larger than 8 inches high) and placed at the curb on the designated collection day.
- (4) Foam polystyrene packaging shall be mixed together with other recyclables in blue recycling bags and placed at curb on the designated collection day.
- (5) Glass containers shall be mixed together with other recyclables in a blue recycling bag and placed at the curb on the designated day of collection.
- (6) Magazines shall be bundled or put in a brown grocery bag and placed at the curb on the designated day of collection.
- (7) Newspaper shall be bundled or put in a brown grocery bag and placed at the curb on the designated day of collection.
- (8) Office paper shall be disposed at designated local authorized dealer accepting this product.
- (9) Rigid plastic containers shall be prepared and collected as follows:

- (i) Plastic containers made of PETE (#1) shall be mixed together with other recyclables in a blue recycling bag and placed at the curb on the designated day of collection.
  - (ii) Plastic containers made of HDPE (#2) shall be mixed together with other recyclables in a blue recycling bag and placed at the curb on the designated day of collection.
  - (iii) Plastic containers made of PVC shall be collected as #1 & #2 plastics unless excluded by the DNR.
  - (iv) Plastic containers made of LDPE shall be collected as #2 plastics unless excluded by the DNR.
  - (v) Plastic containers made of PP shall be collected as #1 & #2 plastics unless excluded by the DNR.
  - (vi) Plastic containers made of PS shall be collected as #1 & #2 plastics unless excluded by the DNR.
  - (vii) Plastic containers made of other resins or multiple resins shall be collected as #1 and #2 plastics unless excluded by the DNR.
- (10) Steel containers shall be mixed together with other recyclables in a blue recycling bag and placed at the curb on the designated day of collection.
- (11) Waste tires shall be disposed at designated local authorized dealer accepting this product.

**H. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Subd. C.5. through Subd. C.15:

- (i) Provide adequate, separate containers for the recyclable materials.
- (ii) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (iii) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

- (iv) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sub. C.5. through Subd. C.15 from solid waste in as pure a form as is technically feasible.

**I. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.** (1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Subd. C.5. through Subd. C.15:

- (i) Provide adequate, separate containers for the recyclable materials.
- (ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
- (iii) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
- (iv) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods of sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sub. C.5. through Subd. C.15 from solid waste in as pure a form as is technically feasible.



**J. Prohibitions on Disposal of Recyclable Materials Separated for Recycling.** No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Subd. C.5 through C.15 which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**K. Enforcement.** (1) For the purpose of ascertaining compliance with the provisions of this ordinance, the Director of Public Works or his or her designee may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to the Director of Public Works or his or her designee, who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by the City of Port Washington Police Department to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for violating this ordinance may be assessed as follows:

- (i) Any person who violates Subd. J. may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
- (ii) Any person who violates a provision of this ordinance except Subd. J., may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

**L. Removal of Recyclables.** All recyclable materials placed at the curb for pickup shall become the property of the City of Port Washington and its recycling contractor (s). The removal of any recyclable materials by any unauthorized person shall be deemed a violation of this ordinance and subject to penalties as set forth herein.

**10.11.000 KEEPING OF ANIMALS AND FOWL.** No person shall keep animals or fowl, other than domesticated pets, within the City except upon permit granted by the Board of Health.

**10.15.000 SEWERS.**

**10.15.010 Purpose.** An ordinance regulating the use of public sewers and drains, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; and levying and collection of sewer service charges, in the City of Port Washington, County of Ozaukee, State of Wisconsin.

**10.15.020 Definitions.**

1. **APPROVING AUTHORITY** shall mean the City Administrator or his duly authorized representatives.
2. **BOD** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Celsius, expressed as milligrams per liter (mg/l). Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods".
3. **BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer.

4. **BULDING SEWER** shall mean a sanitary sewer which begins immediately outside of the foundation wall of any building or structure being served, and ends at its connection to the public sewer.

5. **BUSINESS OPERATOR** shall mean the natural or legal person who owns, leases, or operates as franchisee of, an enterprise or organization and is responsible for ensuring that the requirements of law are met within the business under their control, whether such business is for profit or not, whether public or private, commercial, industrial or institutional, retail or wholesale, and whether such business relates to any activities or stage of preparation, production, processing, handling, distribution, storage or sale of goods, or services.

6. **CATEGORY “A”** shall be those sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD, suspended solids and phosphorus no greater than those listed in Section 10.15.060 C. **CATEGORY B. SEWER SERVICE CHARGE.**

7. **CATEGORY “B”** shall be those sanitary sewer users who discharge wastewater with concentrations of BOD, suspended solids and phosphorus in excess of those listed in Section 10.15.60 C. **CATEGORY B. SEWER SERVICE CHARGE.** Users whose wastewater exceeds the concentrations for any one of these parameters shall be in **CATEGORY “B”**.

8. **CATEGORY “C”** shall be those discharges of septic and holding tanks wastes with concentrations of BOD, suspended solids and phosphorus in excess of those listed in Section 10.15.060 C. **CATEGORY B. SEWER SERVICE CHARGE.** Discharges of septic and holding tank wastes that exceed the concentrations for any one of these parameters shall be in **CATEGORY “C”**.

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

10. **CITY** shall mean the City of Port Washington.

11. **COMBINED SEWER** shall mean a sewer intended to receive both wastewater and storm water, clear water or surface water.

12. **COMMERCIAL WASTE** shall have the same meaning as **INDUSTRIAL WASTE** as defined in this section.

13. **COMPATIBLE POLLUTANTS** shall mean BOD, suspended solids, phosphorus and phosphorus compounds, nitrogen and nitrogen compounds, pH, or fecal coliform bacteria, plus additional pollutants identified in the Municipality’s WPDES permit for its wastewater treatment facility; provided that

such facility is designed to treat such additional pollutants, and, in fact, does remove such pollutants to a substantial degree.

14. **EASEMENT** shall mean an acquired legal right for the specified use of land owned by others.

15. **EXCESSIVE** shall mean in such magnitude that, in the judgment of the Superintendent, it will cause damage to any facility, will be harmful to the wastewater treatment plant to the degree required to meet the requirements of the Federal Water Pollution Control Act, can otherwise endanger life, limb or public property, and/or which can constitute a public nuisance.

16. **FAT** shall mean a solid or liquid water-soluble substance that belongs to a group of chemicals, i.e., esters of glycerol and fatty acids, which are main constituents of food derived from animals or plants.

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

18. **GARBAGE** shall mean the putrescible organic solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of meat, fish, fowl, fruit, vegetables, and condemned food.

19. **GROUND GARBAGE** shall mean the residue from the preparation, cooking dispensing, handling, storage, and sale of food products and produce that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.

20. **INCOMPATIBLE POLLUTANTS** shall mean any pollutants that are not defined as “Compatible Pollutants” in this section.

21. **INDUSTRIAL WASTE** shall mean any solid, liquid, or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing or commercial establishment. Such term includes any wastewater that is not sanitary sewage.

22. **INTERCEPTOR** (also referred to as a trap) shall mean a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from wastes flowing through it to prevent such matter from reaching a public sewer. It includes, but is not limited to, “oil interceptors,” “sand interceptors” and “grease interceptors” as defined in the Wisconsin Administrative Code.

23. **MAJOR INDUSTRIAL USER** shall mean any sanitary sewer discharger who uses more than 10,000 gallons of metered water usage on any given day.

24. **MUNICIPALITY** shall mean the City of Port Washington.

25. **NATURAL OUTLET** shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

26. **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD, suspended solids and phosphorus no greater than those listed in Section 10.15.060 C. **CATEGORY B. SEWER SERVICE CHARGE.**

27. **OIL & GREASE** shall include fats, wax, grease, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, whether emulsified or not.

28. **OPERATION AND MAINTENANCE COSTS** shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, including administration and replacement costs all as determined from time to time by the Municipality.

29. **PERSON** shall mean any and all persons, including any individual, firm, company, municipal or Private Corporation, association, society, institution, enterprise, governmental agency, or other entity.

30. **pH** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in grams per liter of solution.

31. **PHOSPHORUS** shall mean total phosphorus, which is all of the chemical element phosphorus present in a sample, regardless of form, expressed in mg/l of P phosphorus. Quantitative determination of phosphorus shall be made in accordance with procedures set forth in "Standard Methods."

32. **PLUMBING SYSTEM** shall include the water supply system, the drain system, the vent system, plumbing fixtures, plumbing appliances and plumbing appurtenances that serve a building, structure or premises.

33. **PUBLIC SEWER** shall mean any publicly owned sewer, storm drain, sanitary sewer or combined sewer.

34. **RECEIVING WATERS** shall mean any water course, river, pond, ditch, lake, aquifer or other body of surface or sub-surface water receiving discharge of sewage.

35. **REPLACEMENT COSTS** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the wastewater treatment facility to maintain the capacity and performance for which such facilities were designed and constructed. Operation and maintenance costs include replacement costs.

36. **SAND** shall mean a sedimentary material consisting of fine loose grains of rock or minerals, e.g., quartz fragments, usually found on beaches, deserts and in soil, sometimes used as building material or for industrial or other purposes.

37. **SANITARY SEWAGE** shall mean a combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewage system.

38. **SANITARY SEWER** shall mean a sewer that carries sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

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

40. **SEWAGE** (also referred to as a wastewater) shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

41. **SEWER** shall mean a pipe or conduit that carries sewage or any other waste liquids, including storm, surface, and ground water drainage.

42. **SEWER SERVICE CHARGE** is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance expenses, debt service costs, and other expenses or obligations of said facilities.

43. **SEWERAGE** shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

44. **“SHALL”** is mandatory; **“MAY”** is permissible.

45. **SLUG** shall mean any discharge of sewage or industrial waste which in concentration of any given constituent exceeds more than five (5) times the average twenty-four (24) hour concentration during normal operation, or the discharge of any volume of liquid waste which exceeds in quantity of flow for a period of fifteen (15) minutes or more, the normal 24 hour average discharge. It

shall also include discharges that adversely affect the wastewater collection system and/or performance of the wastewater treatment facility.

46. **STANDARD METHODS** shall mean the examination and analytical procedures set forth in the most recent edition of “Standard Methods for the Examination of Water and Wastewater” published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

47. **STORM SEWER OR DRAIN** shall mean a drain or sewer for conveying storm water, groundwater, surface water, clear water or any unpolluted water from any source, but excludes sewage and industrial wastes.

48. **STORM LATERAL** shall be the connection to provide or convey storm groundwater, surface water or unpolluted water from a structure or lot to a storm sewer.

49. **SUSPENDED SOLIDS** shall mean solids that either float on the surface of, or are in suspension in, water sewage, or industrial waste, and which are removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater”, and referred to as non-filterable residue. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods.”

50. **TRAP** (also referred to as an interceptor) shall mean a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from wastes flowing through it to prevent such matter from reaching a public sewer. It includes, but is not limited to, “oil interceptors,” “sand interceptors” and “grease interceptors” as defined in the Wisconsin Administrative Code.

51. **UNPOLLUTED WATER** is water of quality equal to or better than the effluent of the wastewater treatment facilities or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities.

52. **WASTEWATER** shall be synonymous with sewage and shall mean 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.

53. **WASTEWATER COLLECTION FACILITIES** (or wastewater collection system) shall mean the structures and equipment required to collect and carry wastewater.

54. **WASTEWATER TREATMENT FACILITY** shall mean an arrangement of devices and structures for treating wastewater and sludge. Also referred to as wastewater treatment plant.

55. **WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT** is a document issued by the Wisconsin State Department of Natural Resources, which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES Permit No. *WI-0020460-5* and modifications thereof certain to the municipal wastewater treatment facility.

**10.15.030 Use of Public Sewers.**

A. **STORM SEWERS.** Storm water, groundwater, surface water, clear water and all other unpolluted water (including, but not limited to, unpolluted industrial cooling water or process waters), shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority, City Engineer and other regulatory agencies, per the following regulations:

1.
  - a. When a service lateral to a storm or combined sewer is provided to a lot the sump pump or ground water handling system shall be discharged to the lateral. Other sources of clear water including down spouts and surface drains may be discharged to the lateral with the permission of the city engineer only after it has been determined that the public sewer system has available capacity, and only when it is determined by the city engineer that such discharges cause damage or a potential hazard if discharged to grade on the lot.
  - b. When storm or combined sewer is not adjacent to the property all unpolluted water shall be discharged to the surface of the lot in a location or manner which allows for the best possible



drainage of the water minimizing any public nuisance or damage to neighboring properties.

- c. When a service lateral to a storm or combined sewer is not provided to a lot but storm or combined sewer is adjacent to the property and discharge of unpolluted water to the lot surface has created a public nuisance and potentially hazardous condition, the city engineer shall, at the expense of the property owner, require that the appropriate lateral be installed and connected to the source of the problem within sixty (60) days of the installation.
  2. When a storm lateral is installed which services a lot or structure, then that person shall connect their foundation drain tile and/or sump pump to such storm sewer or storm lateral within sixty (60) days after the passage and publication of this ordinance amendment.
  3. No property shall be sold unless it has been determined by inspection or other means that all unpolluted water is being properly discharged and that no connection to the sanitary sewer is possible. Improper discharges of unpolluted water shall be determined to be in violation of this ordinance.
  4. The building inspector shall have the authority to inspect for violations of this ordinance section. All corrections shall be made so as to conform to this ordinance unless a variance and an alternative plan for the handling of unpolluted water is approved by the Common Council after receiving a recommendation from the Board of Public Works. Upon inspection, if the building inspector is unable to determine if unpolluted water is being properly discharged and a licensed plumber is required to inspect the property, the clear water inspection fee charged by the building inspector shall be waived. The waiver of the inspection fee in such cases shall be retroactive to January 1, 2008.
- B. **SANITARY SEWERS.** No person(s) 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.
1. **PROHIBITIONS AND LIMITATIONS.** Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
    - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
    - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, that could 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.
    - c. Any waters or wastes having a pH lower than 5.0 or in excess of 10.0, or having any corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater collection and treatment facilities.

- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in public sewers or other interference with the proper operation of the wastewater collection and treatment facilities, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
2. The following described substances, materials, waters, or waste shall be limited in discharges to sanitary sewer systems to concentrations or quantities which will not harm either the sanitary sewers, wastewater treatment process, or equipment; will not have an adverse effect on the receiving stream; or will not otherwise endanger lives, limbs, public property, or constitute a nuisance. The Approving Authority may set limitations more stringent than those established below if such more stringent limitations are necessary to meet the above objectives. The Approving Authority will give consideration to the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment facility and other pertinent factors. Wastes or wastewater discharged to the sanitary sewers shall not exceed the following limitations.
    - a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
    - b. Any water or waste containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 degrees and 65 degrees Centigrade).
    - c. Wastewater from industrial plants containing floatable oils, fat or grease.
    - d. Any substances, which will cause the wastewater disposal system to violate its WPDES permit or the receiving water quality standards.
    - e. Any un-ground garbage. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals catering establishments, or similar places where garbage originates from the preparation of food in kitchen's for the purpose of consumption on the premises or when served by caterers.

- f. Any waters or wastes containing iron, chromium, copper, zinc, and other toxic and unconventional pollutants to such degree that the concentration exceeds levels specified by federal, state, and local authorities.
- g. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority or limits established by any federal or state statute, rule, or regulation.
- h. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable state or federal regulations.
- i. Any waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable 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 gasses, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- k. Materials which exert or cause:
  - (1) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  - (2) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
  - (3) 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).
  - (4) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (5) Incompatible pollutants in excess of the allowed limits as determined by city, state, and federal laws and regulations in reference to pretreatment

standards developed by the Environmental Protection Agency, and as contained in 40 CFR 403, as amended from time to time.

(6) Unpolluted Water as defined by this ordinance shall not be discharged to the sanitary sewer system.

- C. WPDES PERMIT. No person shall cause or permit a discharge into the sanitary sewers that would cause a violation of the Municipality's WPDES permit and any modifications thereof.
- D. SPECIAL ARRANGEMENTS. No statement contained in this Ordinance shall be construed as prohibiting any special agreement between the Approving Authority and any person whereby a waste of unusual strength or character may be admitted to the wastewater collection and treatment facilities, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the Municipality without recompense by the person; and further provided that all rates and provisions set forth in this Ordinance are recognized and adhered to.
- E. NEW CONNECTIONS. New connections to the Municipality's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.
- F. SEPTAGE ACCEPTANCE LOCATION. Septage shall only be discharged to the City's sewerage system by City approved and State of Wisconsin licensed disposers and at locations, times and conditions specified by the Approving Authority.

#### **10.15.040 Control of Industrial Wastes Directed to Public Sewers.**

- A. SUBMISSION OF BASIS DATA. Within six (6) months after passage of this ordinance and each twelve (12) months thereafter, each person who discharges industrial wastes (Categorical and Non-categorical) to a public sewer, and is considered a major industrial user, shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes (Characterization of Wastes – see Section 10.15.040H) discharged to the wastewater collection and treatment facilities. This report (“Intent to Discharge Form” – see Section 10.15.040H) is required by the Wisconsin Department of Natural Resources and the municipality shall furnish such forms necessary to be completed.

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 Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged, prior to making the connection to the public sewers.

B. INDUSTRIAL DISCHARGES. If any waters, wastes or septage discharged or are proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in Article II, and which in the judgment of the Approving Authority have a deleterious effect upon the wastewater collection and treatment facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life, health, or constitute a public nuisance, the 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, and/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 this Ordinance.

C. HAULED WASTES. All sewer users having wastes hauled in to the wastewater treatment facility for treatment need to be in conformance with the “Manual on Hauled-Waste Acceptance” published by the Water Environment Federation (WEF), as well as the “Hauled-waste manual” published jointly by the Wisconsin Department of Natural Resources (WDNR) and the Environmental Protection Agency (EPA).

1. Septic tank waste may be introduced into the Wastewater Treatment Facility only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate the general sewer use requirements stated in this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain wastewater discharge permits.
2. The Superintendent may require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
3. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

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

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

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

- E. MEASUREMENT OF FLOW. The volume of flow used for computing sewer service charges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the Water Department or Utility except as notes in Section 305.
- F. METERING OF WASTE. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.
- G. WASTE SAMPLING. Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority, in addition to the designated periods specified in Section 10.15.040A.

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

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

- H. CHARACTERIZATION OF WASTES. Industrial wastes (from both Categorical and Non-categorical Industries) and septage discharged into the public sewers requires characterization. The wastes shall be characterized to include, but not

limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities. The characterization shall be made by the industry according to the schedule specified in Section 10.15.040A, or as often as deemed necessary by the Approving Authority.

The results of the waste characterization are to be filled in on the “Intent to Discharge Form” and be submitted to the Approving Authority prior to the waste being discharged. The “Intent to Discharge Form” may include, but not limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge.

A new “Intent to Discharge Form” has to be submitted if the characteristics of the discharge waste change significantly, which includes, but not limited to flow increases of 20% or greater, and the discharge of any previously unreported pollutants. In addition to the parameters specified on the “Intent to Discharge Form” provided by the Approving Authority, the Approving Authority has the right to request the Industries to monitor and sample additional parameters not specified on the “Intent to Discharge Form.” The Approving Authority also has the rights to impose limits on various parameters on any of the industries (Categorical and Non-Categorical) discharging wastes to the system, as it deemed appropriate.

Costs incurred by the characterization of the discharged waste are to be borne by the responsible industry.

- I. **MONITORING.** Periodic Monitoring is required from Industries (Categorical & Non-Categorical, for the characterization of wastes being discharged. The frequency of monitoring should be at least as frequent as the submission of the “Intent to Discharge Form.”
- J. **PRETREATMENT.** Persons discharging industrial wastes into any public sewer may be required to pre-treat such wastes, if the Approving Authority determines pretreatment is necessary to protect the wastewater collection and treatment facilities or prevent the discharge of incompatible pollutants.

In that event, such person shall provide at his expense such pretreatment or processing facilities as may be determined necessary to render wastes acceptable for admission to the sanitary sewers.

Categorical, as well as Non-Categorical, industrial waste dischargers shall all meet the pretreatment standards as set forth in the NR 211, 221 to 297. This includes waste dischargers with wastes of varying strengths.

- K. **INTERCEPTORS OR TRAPS FOR FAT, OIL, GREASE, SAND AND OTHER SUBSTANCES.** Interceptors or traps shall be required and installed at all

permitted food service, commercial, industrial and institutional buildings and facilities for the proper handling of wastewater containing fat, oil, grease, flammable wastes, sand and other harmful substances.

1. Prohibitions; Exemptions; Construction Standards; Inspection; Compliance. Pursuant to Section 10.15.030 of this Municipal Code, the discharge of any of the following substances to any public sewer from an existing, new, altered or remodeled building or facility requiring interceptors or traps is prohibited:

- a. Any water or wastes containing fats, wax, grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in excess of 100 mg/L or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 to 65 degrees Celsius).
- b. Wastewater from industrial plants containing floatable oils, fat or grease.
- c. 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, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., whether whole or ground by garbage grinders.

Interceptors or traps shall not be required for private living quarters or dwelling units. Individual exemptions from the interceptor or trap requirements of this subsection may be granted upon review by the Approving Authority. New, altered, or remodeled plumbing systems requiring interceptors or traps shall be constructed in accordance with the provisions of the Wisconsin Administrative Code, and shall be constructed and located as to be readily accessible for easy cleaning and inspection. If an inspection reveals that a grease-producing building or facility lacks a grease trap, an approved grease trap shall be installed in such building or facility within one (1) year of the date of inspection. Exterior interceptors and traps shall be constructed so as to be protected from storm water runoff.

2. Implementation. The business operator of a new food service building or facility shall obtain approval of the grease trap sizing from the Approving Authority prior to submitting an application for a building permit. The business operator of an existing or to-be-reopened food service building or facility in which the plumbing system will be modified shall provide



plans showing compliance with the grease trap requirements and obtain approval of the grease trap sizing from the Approving Authority prior to submitting an application for a building permit. In all cases, a written description of the interceptor or trap system, its location, manufacturer, dimensions, flow design, and loading rate shall be submitted to the Approving Authority. Following such submission, the Approving Authority shall inspect the building or facility to confirm compliance with all laws and regulations governing such interceptors and traps.

3. Existing Buildings and Facilities; Corrective Actions; Reports. The Approving Authority may require the business operator to install properly sized interior or exterior grease traps or modify plumbing of an existing building or facility where the waterway of a sewer system is restricted or blocked by congealed fat, oil or grease, sand, or other substances. The Approving Authority also may also require the business operator to increase cleaning frequency of grease traps and to maintain and submit written reports detailing and verifying cleaning events in buildings, facilities or areas in which sewer blockages or other sewer problems have occurred or are occurring.
4. Maintenance; Records; Disposal; Use of Additives. All required interceptors and traps shall be maintained by the building or facility owner in good repair and in an efficient operating condition at all times, at the owner's expense. The business operator shall keep a written record of cleaning events, which shall include the cleaning dates and quantity of fat, oil, grease, sand, and other substances removed at each cleaning. Disposal of interceptor or trap contents shall be done in accordance with regulations established by the Department of Natural Resources. The business operator shall keep such written records on file for a period of three (3) years, and shall provide access to and/or copies of the same to the Approving Authority upon request. The recommended cleaning frequency shall be every two (2) weeks for interior grease traps, and every ninety (90) days for exterior grease interceptors. At no time shall grease traps be more than one-half (1/2) full with any deposits of fat, oil, grease, sand, or other substances before cleaning occurs. The use of biological or other additives as a fat, oil or grease dissolving or conditioning agent is permissible only upon prior written approval from the Approving Authority.
5. Downstream Blockages Caused by Fat, Oil, Grease, Sand or Other Substance-Producing Buildings or Facilities; Reimbursement for Costs of Correction. If upon investigation it is determined that an upstream building or facility producing fat, oil, grease, sand or other substances has caused or is causing interference with and/or blockage in the sanitary sewer system, the business operator of such building or facility shall reimburse the Wastewater Utility for all labor, equipment, supplies and

disposal costs incurred by the Wastewater Utility to correct such interference and/or blockage, in addition to any other penalties or remedies provided by law.

6. Notice and Order for Correction of Violation. If an inspection discloses any non-compliance with the provisions of subsecs. 2 through 4 hereof, the Approving Authority shall notify the business operator of the building or facility in writing of the violation, and order that such violation(s) be corrected within thirty (30) days of the date of such written notice and order.
  7. Penalties for Failure to Correct Violation; Refusal to Renew License. If a violation is not corrected within the time provided in subsec. 6 hereof, the business operator of the building or facility shall be subject to forfeitures as provided in Section 10.15.100 (D) of this Municipal Code, in addition to any other penalties or remedies provided by law. Continues or reoccurring violations or delays in taking corrective action may also result in a refusal to renew an operator's license and/or other municipal licenses or permits for such food service, commercial, industrial or institutional building or facility.
- L. ANALYSES. All measurements, tests, and analyses of the characteristics of waters; wastes and septage to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods" and with the Federal Regulations 40 CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants," as amended from time to time. Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.
- M. SUBMISSION OF INFORMATION. Plans, Specifications, and any other Pertinent information relating to proposed flow equalization, pretreatment or grease and/or sand interceptor facilities shall be submitted for review and approval of the Approving Authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. No construction of such facilities shall commence until said approval has been granted.
- N. CONFIDENTIAL INFORMATION. Information and data on an industrial user obtained from the "Intent to Discharge Forms" shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing the "Intent to Discharge Form," the portions of the form which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the WPDES Permit, and/or the pretreatment programs; provided, however, that such portions of the form shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Superintendent as confidential shall not be transmitted to any governmental agency or to the general public by the Superintendent until and unless a ten-day notification is given to the user.

**10.15.050 Basis for Sewer Service Charges.**

A. SEWER USERS SERVICED 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 sewer service charge based, in part, on the quantity of water used, as measured by the Water Utility water meter used upon the premises. Sewer service charges shall be determined in accordance with the following:

1. Except as provided in subsecs. A.2., A.3. and A.4., sewer service charges shall be based on actual usage.
2. A summer sewer service credit shall be given for the four (4) month period from May 1 to September 1 each year. The credit shall apply to the bi-monthly bills sent on August 1 and October 1. The credit shall be calculated based upon the customer's prior usage history at the same premises for the four (4) month period from November 1 of the preceding year to March 1 of the current year, which shall be determined by adding the two water readings taken on January 1 and March 1 of the current year and dividing the total by two. If the resulting quotient is not a whole unit, it shall be rounded up to the nearest whole unit. If the customer did not occupy the same premises for the entire period from November 1 to March 1, the average resident usage charge of 7 cu. ft. per bi-monthly billing period shall be used to determine the summer sewer service credit. The summer sewer service credit shall apply to all single-family residential and duplex customers.
3. Any customer other than a single-family residential or duplex customer may apply to the Board of Public Works to install a deduct meter in order to determine the amount of water not discharged or released into the sewer system. However, the Board of Public Works shall determine whether it is appropriate to install such deduct meter. If a deduct meter is installed, the volume of water measured by such meter shall be deducted from the actual usage in determining the sewer service charges for the premises.
4. For a premises not previously occupied, and which is first occupied (or for which an occupancy permit is first issued) at any time between May 1 and August 31, the bi-monthly bill for wastewater, other than industrial waste, due during the months of August (for metered water used during the months of May and June) and October (for metered water used during July and August) of that year shall include a minimum Volume Rate charge based on an average residential usage charge of 7 cu. ft. per bi-monthly billing period. Such minimum Volume Rate charge shall be prorated to

reflect the date on which the property was first occupied (or on which an occupancy permit was first issued) during the aforementioned billing periods.

- B. SEWER USERS SERVED BY PRIVATE WELLS. If a person discharging wastewater into the sanitary sewers procures any part or all of his water from sources other than the Water Utility, all or part of which is discharged into the sanitary sewers, the person shall have water meters installed by the Water Utility at the person's expense for the purpose of determining the volume of water obtained from these sources. Where sewer meters are already installed, 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 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 person feels that a significant amount of metered water does not reach the sanitary sewer, he can at his own expense, with approval of the Approving Authority, install such additional meters or metered services as are necessary to calculate the volume of water not discharged to the sanitary sewer. Metered water not discharged to the sanitary sewers shall not be subject to sewer service charges. Requests to install additional meters must be made in writing to the Approving Authority.

**10.15.060 Amount of Sewer Service Charges.**

**Section 10.15.060 A. SEWER SERVICE CHARGE UNIT COSTS.** The unit costs for the sewer service charge are as follows:

	<u>Operation &amp; Maintenance</u>
Volume charge	\$3.93/1000 gal. (equal to \$2.94/100 cu. ft.)
Flow Charge	\$0.79/1,000 Gallons
BOD unit cost	\$0.52/lb
Suspended Solids unit cost	\$0.30/lb
Phosphorus unit cost	\$5.94/lb

**10.15.060 B. CATEGORY A. SEWER SERVICE CHARGE.** The sewer charge for Category A. sewer users is as follows:

Fixed Bi-Monthly Charge = \$30.46

Volume Charge = \$3.93/1,000 gal.  
(equal to \$2.94/100 cu. ft.)

**10.15.060 C. CATEGORY B. SEWER SERVICE CHARGE.** The sewer service charge for Category B. sewer users is as follows:

Fixed Bi-Monthly Charge = \$30.46

Volume Charge = \$3.93/1,000 gal.  
(equal to \$2.94/100 cu. ft.)

Surcharge for BOD greater than 274 mg/1 = \$.52 lb

Surcharge for SS greater than 233 mg/1 = .30/lb

Surcharge for Phosphorus greater than 7.1 mg/1 = \$5.94/lb

Surcharge for Volume \$0.79/1,000 Gallons

Categories A or B – Industrial/Mfg. Discharges shall be computed in accordance with the formula presented below:

$$\text{Volume Charge} = (V \times Cv) + .00834 V [(B \times Cb) + (S \times Cs) + (P \times Cp)]$$

Where:

T = Total Sewer Service Charge

FQ = Fixed Monthly Charge

B = Concentration of BOD in mg/1 in the wastewater minus 274 mg/1

S = Concentration of suspended solids in mg/1 in the wastewater minus 233 mg/1

P = Concentration of phosphorus in mg/1 in the wastewater minus 7.1 mg/1

V = Wastewater Volume in 1,000 gallons

Cv = Volume charge per 1,000 gallons

Cb = Surcharge per pound of BOD

Cs = Surcharge per pound of suspended solids

Cp = Surcharge per pound of phosphorus

.00834 = Conversion factor

- D. REASSIGNMENT OF SEWER USERS. The Approving Authority will reassign sewer users into appropriate sewer service charge categories if wastewater flow monitoring and sampling programs or other related information indicate a change of categories is necessary.
- E. OPERATION, MAINTENANCE, AND REPLACEMENT FUND ACCOUNTS. All sewer service charge revenues collected for replacement costs shall be deposited in a separate and distinct fund to be used solely for replacement costs as defined in Article I. All sewer service charge revenues collected for other operation and maintenance expenses shall also be deposited in a separate and distinct fund.

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.

- F. CHARGE FOR TOXIC POLLUTANTS. Any person discharging toxic pollutants which cause an increase in the cost of managing the effluent or sludge from the Municipality’s wastewater treatment facility shall pay for such increased costs, as may be determined by the Approving Authority.
- G. CATEGORY C. SEPTIC AND HOLDING TANK SERVICE CHARGE. Category C Septic and Holding Tank service charge. The service charge for Category C discharges is as follows:

- BOD unit cost = \$0.52/lb.
- Suspended Solids unit cost = \$0.30/lb.
- Phosphorus unit cost = \$5.94/lb.
- Flow Cost = \$0.79/1,000 Gallons

Category C Septic and holding tank service charge shall be computed in accordance with the formula presented below:

$$SC = (V \times CV) + (CB \times BOD) + (CS \times SS) + (CP \times P) + \text{Collection System Fee} \\ (\$1.50 \text{ per } 1,000 \text{ Gallons})$$

Where:

- SC = Service Charge
- CB = BOD unit price
- CS = SS unit price
- CP = P unit price
- BOD = mg/1 x 8.34 x MGD
- SS = mg/1 x 8.34 x MGD
- P = mg/1 x 8.34 x MGD
- MGD = # of millions of gallons per day
- V = Wastewater Volume in 1,000 Gallons
- CV = Volume Charge per 1,000 Gallons

Holding tank and septic tank effluent accepted by the wastewater collection and treatment facility shall be sampled by the Approving Authority on an annual basis, pursuant to the provisions of Section 10.15.0040 I. A sample shall be taken from six (6) holding tank and six (6) septic tank effluent discharges so accepted, or such equal lesser number of such discharges as may represent the total number of such discharges received during the annual sampling period. The results shall be averaged to determine the average waste strength of holding tank and septic tank effluents.

All waste streams described in sec. 10.15.060 G. of the Municipal Code which require laboratory analysis by the wastewater collection and treatment facility for possible acceptance by such facility, shall be charged the following fees:

Biochemical Oxygen Demand	\$37.50/test
Ammonia Nitrogen	\$37.50/test
Total Phosphorus	\$37.50/test
Total Suspended Solids	\$28.00/test
pH	\$ 9.00/test

The annual permit fees for all outside waste streams discharged at the wastewater treatment facility or in the collection system shall be \$50.00, provided, however, that such permit fees shall be reviewed and, if necessary, adjusted annually.

- H. Category “D” shall be those discharges, other than septic and holding tank wastes, with concentrations of BOD, suspended solids and phosphorous in excess of those listed in Section 10.15.060 C. **CATEGORY B. SEWER SERVICE CHARGE.** Adequate treatment of such waste will be possible only by direct discharge, and benefit to, the anaerobic digestion process of the Wastewater Treatment Facility or result in a violation of the Wisconsin Pollutant Discharge Elimination System Permit. Any discharge or treatment of Category “D” discharges in violation of this section shall not be permitted. Category “D” WASTE, OTHER THAN SEPTIC AND HOLDING TANK WASTE. The service charge for Category “D” discharges shall be based on sludge disposal costs incurred by the City of Port Washington, and computed by doubling (2x) those same costs.
- I. Annual Permit Required: Fee. No person may discharge Category C or D waste to the Wastewater Treatment Facility without first having obtained a permit from the Wastewater Treatment Plant Superintendent (hereinafter Superintendent). Application for the permit shall be made upon blank forms to be furnished by the Superintendent and available at the Department of Public Works. Said application shall be made by the person who holds the appropriate DNR permit, and shall contain name, address, DNR permit number, and such other information determined by the Superintendent. A permit shall be required for each contractor who discharges Category C or D waste to the Wastewater Treatment Plant. The Superintendent, or his designee, shall issue a permit to the applicant upon compliance with this section and upon payment of the proper fee. A permit

issued thereunder shall expire on December 31 of each year. The fee for a permit shall be \$50.00 per year, or a fraction thereof, for each contractor.

**10.15.070 Billing Practice.**

- A. CALCULATION OF SEWER SERVICE CHARGES. Sewer service charges shall be computed according to the rates and formula presented in this Ordinance.
- B. SEWER SERVICE CHARGE BILLING PERIOD. Sewer service charges shall be billed by the City to the sewer users on a bi-monthly basis.
- C. PAYMENT OF SEWER SERVICE CHARGES. Those persons billed by the City for sewer service charges shall pay charges within thirty (30) days after the billing date at City Hall.
- D. PENALTIES.
  - 1. Such sewer service charges levied by the City against the sewer users in accordance with this Ordinance shall be a debt due the City and collected in the same manner as water rates are taxed and collected.
  - 2. On October 15 in each year notice shall be given to the owner or occupant of all lots or parcels of real estate to which sewer service has been furnished prior to October 1 and payment for which is in arrears at the time of the notice. Unless the amount in arrears is paid by November 1 a penalty of ten percent (10%) of the amount of such arrears shall be added and becomes payable by November 15. Any arrears remaining after November 13 shall be placed on the tax roll as a tax against such lot or parcel.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

**10.15.080 Right of Entry, Safety, and Identification.**

- A. RIGHT OF ENTRY. The Approving Authority or other duly authorized employees of the 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 Ordinance.
- B. SAFETY. While performing the necessary work on private premises, the duly authorized Municipal employees shall observe all safety rules applicable to the premises established by the person.
- C. IDENTIFICATION. RIGHT TO ENTER EASEMENTS. The Approving Authority or other duly authorized employees of the Municipality, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Municipality holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and



maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of such easement.

**10.15.090 Sewer Construction and Connections.**

- A. **WORK AUTHORIZED.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the public sewers or appurtenances thereof without first obtaining a written permit from the Approving Authority.
- 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 making the connection.
- 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 Approving Authority, to meet all requirements for this Ordinance.
- D. **MATERIALS AND METHODS OF CONSTRUCTION.** The size, slope, alignment, materials of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the Municipality's 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 ASTM and WPCF 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.** No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater including but not limited to sump pumps to a building sewer or building drain that is connected directly or indirectly to a sanitary sewer.

All existing downspouts, groundwater drains, or sump pumps etc., connected directly or indirectly to a sanitary sewer must be disconnected within 60 days of the date of an official written notice from the Approving Authority.

- 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 Municipality of the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and

watertight. The Approving Authority before installation must approve any deviation from the prescribed procedures and materials.

- H. INSPECTION OF CONNECTION. The person making a connection to a public sewer shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be inspected and approved by the Approving Authority.
  
- 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 Approving Authority.

#### **10.15.100 Violations and Penalties.**

- A. WRITTEN NOTICE OF VIOLATIONS. Any person found to be violating any provision of this Ordinance shall be declared a public nuisance and shall be served by the Municipality with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations or shall be penalized per section 25.04 of the Municipal Code of the City of Port Washington.
- B. ABATEMENT OF NUISANCE WITHOUT NOTICE. If the Approving Authority determines that a public nuisance exists within the Municipality and that there is great and immediate danger to the wastewater collection and treatment facilities or the public health, safety, peace, morals, or decency, the Approving Authority may cause the same to be abated and charge the cost thereof to the owner, occupant, or person causing, permitting, or maintaining the nuisance, as the case may be.
- C. ACCIDENTAL DISCHARGE. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the wastewater collection and treatment facility and/or receiving body of water shall in addition to a fine, pay an amount to cover any damages, both values to be established by the Approving Authority.
- D. CONTINUED AND REOCCURRING VIOLATIONS. Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided or shall cause any violation to reoccur, shall, upon conviction thereof, forfeit not more than \$500.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the County Jail for a period not to exceed 30 days. Each day in which a violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

CONTINUED VIOLATIONS THAT INVOLVE THE DISCHARGE OF UNPOLLUTED WATER TO THE SANITARY SEWER SHALL REQUIRE

THE CONNECTION TO A STORM SEWER OR STORM SEWER FACILITY  
AT THE PROPERTY OWNER'S EXPENSE.

- E. LIABILITY TO MUNICIPALITY FOR LOSSES. Any person violating any provisions of this Ordinance shall become liable to the Municipality for any expense, loss, or damage occasioned by reason of such violation which the Municipality may suffer as a result thereof.

**10.15.110 Appeals.**

- A. PROCEDURES. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provision of this Ordinance or in any permit issued herein, may file with the 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 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 Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) days after notification of the action, file a written appeal with the Common Council of the City of Port Washington,

A fee of \$15.00 shall accompany any appeal to the Common Council for their ruling. This fee may be refunded if the appeal is sustained in favor of the appellant.

The Common Council shall hear the written appeal, within 30 days from the date of filing. The Common Council shall make a final ruling on the appeal within 10 days from the date of filing.

**10.15.120 Validity.**

- A. SUPERSEDING PREVIOUS ORDINANCES. This ordinance governing sewer use, industrial wastewater discharges, sewer service charges, and sewer connections and construction shall supersede all previous ordinances of the Municipality.
- B. INVALIDATION CLAUSE. Invalidity of any section, clause, sentence, or provision in the Ordinance shall not affect the validity of any other section, clause, sentence, or provision of this Ordinance which can be given effect without such invalid part or parts.
- C. AMENDMENT. The Municipality, through its duly authorized officers, reserves the right to amend this Ordinance in part or in whole whenever it may deem necessary.

**10.15.130 Audit, Notification, and Records.**

- A. **BIENNIAL AUDIT.** The Municipality shall review, at least every two years, the wastewater contribution of its sewer users, the operation and maintenance expenses of the wastewater collection and treatment facilities, and the sewer service charge system. Based on this review, the Municipality shall revise the sewer service charge system, if necessary, to accomplish the following:
1. Maintain a proportionate distribution of operation and maintenance expenses among sewer users based on the wastewater volume and pollutant loadings discharged by the users;
  2. Generate sufficient revenues to pay the operation and maintenance expenses of the wastewater collection and treatment facilities; and
  3. Apply excess revenues collected from a class of users to the operation and maintenance expenses attributable to that class of users for the next year and adjust the sewer service charge rates accordingly.
- B. **ANNUAL NOTIFICATION.** The Municipality shall notify its sewer users annually about the sewer service charge rates. The notification shall show what portion of the rates are attributable to the operation and maintenance expenses, and debt service costs of the wastewater collection and treatment facilities. The notification shall occur in conjunction with a regular bill.
- C. **RECORDS.** The Municipality shall maintain records regarding wastewater flows and loadings, costs of the wastewater collection and treatment facilities, sampling programs, and other information which is necessary to document compliance with 40 CFR 35, Subpart E of the Clean Water Act.

**10.25.000 PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation or order issued thereunder shall be subject to a penalty as provided in Section 25.04.000 of the Municipal Code of the City of Port Washington.

**10.30.000 WATER SUPPLY.**

**10.30.010 Definitions.** A 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 Port Washington 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.

**10.30.020 Connections 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 Port Washington may enter the supply or distribution systems 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 Port Washington Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 111.25 (3), Wisconsin Administrative Code.

**10.20.030 Inspections.** It shall be the duty of the Port Washington Water Utility 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 re-inspections based on potential health hazards involved shall be as established by the Port Washington Water Utility and as approved by the Wisconsin Department of Natural Resources.

**10.30.040 Entry to Inspect.** Upon presentation of credentials, the representative of the Port Washington Water Utility 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 Port Washington for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under Section 66.122, Wisconsin Statutes. On request of 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.

**10.30.050 Discontinuance of Service Upon Violation.** The Port Washington Water Utility 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 Chapter 68, Wisconsin Statutes, except as provided in Section 6. 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.

**10.30.060 Immediate Discontinuance.** That if it is determined by the Port Washington Water Utility 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 Port Washington and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

**10.30.070 Adoption by Reference.** The City of Port Washington adopts by reference the State Plumbing Code of Wisconsin being Chapter H 62, Wisconsin Administrative Code.

**10.30.080 Relationship of Ordinance to Other Laws and Regulations.** This ordinance does not supercede the State Plumbing Code or the City of Port Washington plumbing ordinance Ch. 177, but is supplementary to them.

**10.30.090 Private Wells; Abandonment.**

- A. Unsafe Wells. All unused, unsafe or other private wells not in compliance with Chapter NR 812, Wisconsin Administrative Code, shall be abandoned pursuant to Wisconsin Administrative Code, NR 812, within 12 months of notification.
1. Prior to plugging the well, pump, liner piping and obstructions shall be removed.
  2. Filling of the well shall be observed and approved by the City Plumbing Inspector.
  3. A well abandonment report shall be submitted by the well owner to the Department of Natural Resources and the City's Plumbing Inspector on forms furnished by the Director of Public Works.
- B. Other Private Wells; Permit Required. Other private wells shall be permitted upon application for and approval of a private well operation permit.
1. Application shall be on forms supplied by the Director of Public Works and shall be filed with the City Administrator. Such application shall be accompanied by a non-refundable permit fee of \$25.00. The Common Council upon the recommendation of the Board of Public Works shall grant said permit.
  2. Said permit shall be for five years and in compliance with the following conditions:
    - d. The well and pump installation meet the requirements of Chapter NR 812, Wisconsin Administrative Code, and a well constructor's report on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
    - e. The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by a safe water sample. Samples are to be analyzed by a certified lab.
    - f. No physical connection exists between the piping of the public water system and the private well.
    - g. FEES FOR THE TREATMENT OF WATER FROM A WELL THAT IS LIKELY TO BE DISCHARGED TO A PUBLIC SEWER SHALL BE DETERMINED BASED UPON THE FEES ESTABLISHED BY THIS ORDINANCE.

