Chapter 14

MUNICIPAL UTILITIES

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Article I. In General

Sec. 14-01. Agreement to comply with municipal utility operating rules.

All persons now receiving utility service from the city, or who may hereafter make application therefor, shall be considered as having agreed to be bound by all utility rules and regulations as filed with the Wisconsin Public Service Commission.

(Code 1982, § 13.01)

Sec. 14-02. Public service commission rules adopted.

The provisions of ch. PSC 185, Wis. Admin. Code, are adopted by reference and made a part of this chapter as if set forth in full. A violation of any of such rules shall constitute a violation of this section and shall be punishable as provided in section 14-37 of this chapter.

(Code 1982, § 13.02)

Sec. 14-03. Construction requirements.

(1) *Permit required.* No construction, alteration or repair of any utility facility, except as herein provided, shall be done or made until after a permit for such construction, alteration or repair has been granted by the city engineer. A separate permit will be required for each project, address, incident or location.

(a) A fee of $5.00 shall be charged for each permit.

(b) The permit fee shall include up to one hour of inspection. If, in the judgment of the city engineer, more inspection is determined to be necessary, then the permittee shall be responsible for the actual cost of such additional inspection.

(2) *Map.* In the case of new construction, the request for a permit shall be accompanied by a map, sketch or plans of the proposed installation.

(3) *Contents of permit.* In the case of alteration or repair of an existing facility, the request for a permit shall state the nature and extent of such alteration or repair in sufficient detail to make the alteration or repair clear.

(4) *Emergency work.* If an emergency requires repair or alteration of a facility before the city engineer can act upon a request for a permit, the utility may proceed with such repair or alteration without a permit, providing all applicable provisions of this section are complied with and providing further that a request for approval of such repair or alteration be submitted to the city engineer at the first business day following this emergency.

(5) *Prior license.* Facilities for which permits are issued shall not interfere with or disturb in any way any existing facilities of the city or facilities of any other public or private utility having prior license or permission to install such facilities.

(6) *Liability for damage.* The permittee shall be liable for any damage to, or disruption of, any existing facilities of either the city or other licensed public or private utility, and in applying for and accepting the permit required in subsection (1) of this section, agrees to waive any applicable statute of limitations for such damage or disruption.

(7) *Notices required.* The permittee shall cause proper advance notice to be given to the fire department and police department, in reasonably sufficient time, where any street, alley, or other public ways will be closed for construction purposes.

(8) *Construction to be done expeditiously.* The work shall progress in such manner as to cause such street, alley or public way to be closed the shortest possible period of time.

(9) *Location of facilities.* The exact location of the proposed facilities shall be determined by consultation with the board of public works or the city engineer, and the permittee shall furnish to the city, upon completion of the work, a map showing the exact location, the size and depth of all subsurface facilities installed.

(10) *Backfilling.* Any trench or excavation made within any street, alley or other public way shall be backfilled in accordance with regulations prepared by the city engineer and approved by the board of public works. The board may hold a public hearing on the proposed regulations if it deems it necessary, and notice of such hearing shall be given as the board shall determine. Upon approval of the proposed regulations by the council and published, in the same manner as ordinances are approved and published, the regulations shall have the same force and effect as any other provision of this section and any violation thereof shall subject the permittee to the same penalty provided for in section 14-37 of this Code. The regulations may be changed or amended in the same manner.

(11) *Restoring surfaces.* For the restoration of surfaces, see section 13-33 of this Code.

(12) *Application for permit.* All requests for permits shall be made in writing to the city engineer and shall include a statement that the permittee agrees to be bound by the provisions of this section if the permit is granted.

(13) *Exceptions.* No permits shall be required for the installation or replacement of less than three poles, where such poles are or will be adjacent to each other.

(14) *Nonliability of city.* The permit required by this section is intended to be in the nature of a license for the purposes stated in this section, and nothing contained in this section shall cause the city to become liable or responsible for any damage or injury caused through or because of the installation of any facility hereby permitted, and the permittee shall hold and save the city harmless from any such liability which might be or could arise out of the installation.

(Code 1982, § 13.05)

Sec. 14-04. Compulsory connection to sewer and water.

(1) *Notice to connect.* Whenever the public sewer or water system becomes available to any public, commercial, mercantile or business building or any building used for human habitation,the director of public works shall notify in writing the owner, agent or occupant thereof to connect thereto all facilities used for human habitation. If the person to whom notice has been given fails to comply within 30 days after notice, the director of public works shall cause the necessary connections to be made; and the expense thereof shall be assessed as a special tax against the property pursuant to § 281.45 Wis. Stats. Such connection shall be subject to applicable plumbing permits and inspection by the plumbing inspector.

(2) *Exception.* Owners of property within the city limits upon the effective date of this ordinance and having buildings used for human habitation served by a private well at the time water main becomes available shall not be required to connect to the public water main until a change in ownership of the property occurs, or upon failure of the private well, whichever occurs first.

Property owners served by a private well that have water main available on the effective date of this ordinance shall not be required to connect to the public water main until a change in ownership of the property occurs, or upon failure of the private well, whichever occurs first.

(3) *Deferred payment.* If connection to public sewer and water is made at city expense and assessed as a special tax against the property, the owner or his agent or the occupant may, within 30 days after the completion of the work, file a written option with the finance director electing to pay the amount of the assessment in five equal annual installments with interest on the unpaid balance at such amount as may be determined, from time to time, by the council.

(4) *Privies and waterless toilets prohibited.* After connection of any building to a sewer main hereunder, no privy or waterless toilet shall be used in connection with such building.

(Code 1982, § 13.07; Ord. No. 1043, § 1, 2-22-2005)

Sec. 14-05. Water and sewer extension outside corporate limits.

No water or sewer service shall be extended to any person or premises outside the corporate limits of the city, except as specifically authorized by the council.

(Code 1982, § 13.08)

Sec. 14-06. Interpretation and execution.

The manager of utilities shall be responsible for the interpretation and execution of the provisions of this chapter, except the wastewater utility, subject to the supervision of the utility commission.

(Code 1982, § 13.22)

Secs. 14-7—14-35. Reserved.

Article II. Administration Enforcement

Sec. 14-36. Marshfield Utility Commission.

(1) *Created.* There is hereby created a Marshfield Utility Commission which shall take entire charge of and manage the Marshfield water and electric utility and the communications utility, appoint a manager or superintendent and fix his compensation and supervise the operation of the utility under the general control and supervision of the council.

(2) *Membership.* The commission shall be composed of five members who shall be city residents, none of whom shall be a member of the council or a city officer. The commissioners shall be elected by the council for a term of five years and until their successors are elected and qualify, beginning on October 1 of each year, except that the terms of the commissioners first elected shall expire successively one each year on each succeeding October 1.

(3) *Organization and operation.* The commissioners shall select a president and a secretary. They shall have the services of the city engineer and may employ and fix the compensation of such subordinates as necessary. The commissioners shall make rules for their proceedings and their department and keep books of account as prescribed by the public service commission, which shall be available to the public. They shall keep full and accurate minutes of their proceedings and transactions, and make a monthly report to the council and such other reports as the council may require.

(4) *Compensation.* The commissioners shall be entitled to such compensation as may be authorized by the council.

(5) *Powers.* The commission shall have such general powers in the construction, extension, improvement and operation of the utility as designated by ordinance or resolution of the council or by the laws of the state, and shall have the authority to expend up to $25,000.00 on any specific improvement or purchase without approval of the council.

(6) *Departmental expenditures.* Departmental expenditures shall be audited monthly by the commission, and when approved, a voucher schedule shall be prepared and certified to the city clerk by the president and secretary that the claims listed therein have been authorized for payment. There shall be further certifications on the schedule whether or not funds are available for payment of the claims as listed. Order checks shall then be prepared by the utility and entered upon the books of the utility, after which they shall be signed by the utility manager and transmitted to the city clerk and finance director for their signatures as provided by § 66.0607(4) Wis. Stats. The mayor's signature shall not be necessary to validate such order checks.

(7) *Reports.* The manager of the Marshfield utility shall record and report at each regular meeting of the council all of the transactions of his department for the preceding calendar month, in such form as may be required by the council.

(8) *Receipts.* All funds due and owing to the utility from all sources shall be paid directly to the utility.

(Code 1982, § 13.03; Ord. No. 1036, § 1, 11-23-2004; Ord. No. 1036, § 2, 11-23-2004)

Sec. 14-37. Penalty.

Any person who shall violate any provision of this chapter, except section 14-70, or any regulations, rules or orders made under this chapter shall be subject to a penalty as provided by section 1-05 of this Code, except as otherwise expressly provided in this chapter.

(Code 1982, § 13.35)

Secs. 14-38—14-60. Reserved.

Article III. Sewers and Sewage Disposal

Sec. 14-61. Wastewater Utility.

(1) *Establishment.* The city sanitary sewer system is constituted a municipal public utility as defined in § 66.0801 Wis. Stats. and shall be known as wastewater utility. It shall be a division of the department of public works of the city and shall be under the management and control of the board of public works.

(2) *Generally.* The city shall levy and collect sewer service charges upon all lots, lands and premises served or benefitted by the sanitary sewer system, including all construction for the collection, transportation, pumping, treatment, and final disposition of sewage, and consisting generally of pipes, conduits, manholes, sewer mains, intercepting sewers and pumps, facilities for the treatment and disposal of raw sewage, where such facilities are operated directly by the city or provided under statutory or contractual provisions, and the furnishing of such facilities creates or imposes a cost or charge upon the city for the services afforded by such facilities.

(3) *Disposition of funds.* The funds received from sewerage service charges shall be deposited at regular intervals in a depository account, which account shall show all the receipts and expenditures of the wastewater utility. When appropriated by the council, the credit of the account shall be available for payment of operation, maintenance, repair and depreciation costs. Any surplus in this account shall be available for the payment of the principal and interest of bonds issued and outstanding or which may be issued, to provide funds for the wastewater utility or part thereof, and all or part of the expenses for additions and improvements and other necessary disbursement or indebtedness. The council may appropriate money from the general fund to cover any deficiency in the wastewater utility account.

(Code 1982, § 13.15)

Sec. 14-62. Definitions.

As used in this chapter, the terms, words and phrases shall be defined as follows:

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (mg/l) with determinations made in accordance with procedures set forth in Standard Methods.

Board of public works of the City of Marshfield means that committee duly appointed by the mayor.

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

Building sewer means the extension from the building drain to the public sewer or other place of disposal.

Category A means sanitary sewer users who discharge normal domestic strength wastewater with concentrations of BOD no greater than 250 mg/l and suspended solids no greater than 250 mg/l.

Category B means those sanitary sewer users who discharge wastewater having pollutant concentrations in excess of 200 mg/l for BOD and 250 mg/l for suspended solids, 40 mg/l for total Kjeldahl nitrogen (TKN), or seven mg/l for total phosphorus (P). Users whose wastewater exceeds the concentration for either of these parameters shall be category B.

Chlorine requirement means the amount of chlorine in milligrams per liter (mg/l) which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in Standard Methods.

City means the City of Marshfield.

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

Compatible pollutants means BOD5, suspended solids, phosphorus, pH or fecal coliform bacteria, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants and in fact do remove such pollutants to a substantial degree.

County means Wood County and/or Marathon County, Wisconsin.

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

Engineer means the city engineer or his duly authorized representative.

EPA means the United States Environmental Protection Agency.

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

Garbage means solid wastes from domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

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

Industrial waste means liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

Major contributing industry means an industry that:

(1) Has a flow of 50,000 gallons or more per average workday.

(2) Has a flow greater than five percent of the flow carried by the municipal system receiving the waste.

(3) Has a material in its discharge included on a list of toxic pollutants issued under Wisconsin Administrative Code NR chapter 215.

(4) Has significant impact, either singularly or in combination with other contributing industries, on the treatment works or the quality of its effluent.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body or to the surface water or groundwater.

Normal domestic strength wastewater means wastewater with concentrations of BOD no greater than 200 mg/l, suspended solids no greater than 250 mg/l, total Kjeldahl nitrogen no greater than 40 mg/l, or total phosphorus no greater than seven mg/l.

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

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

Person means any individual, firm, company, association, society, corporation or group, institution, enterprise, governmental agency or other entity.

pH means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Plant superintendent means the wastewater treatment plant superintendent or his authorized representative.

Properly shredded garbage means wastes from the preparation, cooking or dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the public sewers, with no particle greater than one-half inch in any dimension.

Public sewer means a sewer in which all owners of abutting property have equal rights and which is controlled by the city.

Replacement costs means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works are designed and constructed.

Operation and maintenance costs include replacement costs.

Sanitary sewage means a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such groundwaters, surface waters and stormwaters as may be present.

Sanitary sewer means a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewer means a pipe or conduit for carrying sewage.

Sewer service charge means a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses, including interest on indebtedness, as well as operation and maintenance costs of such facilities. User charge, which covers operation and maintenance and replacement costs is a part of the sewer service charge.

Shall is mandatory; *may* is permissive.

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

Standard Methods means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes

published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm drain and storm sewer mean a sewer which carries stormwaters and surface waters and drainage, excluding sewage and industrial wastes.

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

Suspended solids means solids that either float on the surface of, or are in suspension in water, wastewater or other liquids and which are removable by laboratory filtering as prescribed in Standard Methods.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

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

Utility means the wastewater utility of the city.

Wastewater means a combination of the water-carried wastes from residences, business places, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

Wastewater facilities means all facilities for collecting, pumping, treating and disposing of sewage.

Wastewater treatment plant means any arrangement of devices and structures used for treating sewage.

Watercourse means a channel in which a flow of water occurs either continuously or intermittently.

WPDES or *Wisconsin Pollutant Discharge Elimination System permit* means a document issued by the department of natural resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility. WPDES permit no. WI-0021024 and modifications thereof pertain to the wastewater treatment facility in the city.

(Code 1982, § 13.04)

Sec. 14-64. Right of entry, safety, and identification.

(1) The engineer, plant superintendent, or other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter any property or structure at reasonable times for the purposes of inspection, observation, measurement or testing. The engineer, plant superintendent, or their representatives shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private premises referred to in subsection (1) of this section, duly authorized city employees shall observe all safety rules applicable to the premises established by the company and the city shall indemnify the company against loss or damage to its property by city employees and against the liability claims and demands for personal injury or property damage asserted against the company and growing out of gauging and sampling operations and indemnify the company against loss or damage to its property by city employees, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(3) The engineer, plant superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement, all subject to the terms, if any, of the agreement.

(Code 1982, § 13.09)

Sec. 14-65. Differences of opinion.

The board of public works of the city shall arbitrate differences between the engineer and/or wastewater treatment plant superintendent and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the engineer and/or plant superintendent.

(Code 1982, § 13.10)

Sec. 14-66. Sewer connections.

(1) *Connections to public sewers.* Every existing building with installed plumbing fixtures and intended for human occupancy, located adjacent to a street in which there is public sewer service, shall be connected to the public sewer by means of individual connections or private interceptor mains, except as provided by subsection (5) of this section. Any connection to available sewer services delayed by a moratorium on sewer connections will be completed within 60 days of the termination of such moratorium.

(2) *Payment of fees.* Payment of fees shall be as follows:

(a) No person shall connect, cause or allow to be connected to any sewer main in the city without first paying to the city a fee established by the board of public works and approved by the council.

(b) Such fee shall be paid at the time the sewer connection permit is obtained and shall be in addition to any other charges, permits or fees already established, except as hereinafter provided. Such fees shall be credited to the wastewater utility account.

(3) *Connection requirements.* Except as provided in subsection (4) of this section, there shall be no connection, either by a sewer or by other means, between a public sanitary sewer and an excavation or basement for any structure until the structure is completely roofed and the excavation around the basement is backfilled to grade. Backfill may be omitted in the area in which the sanitary sewer connection is to be made.

(4) *Extensions.* The plumbing inspector shall provide permits and allow for the extension of a sanitary sewer and water lateral from the street mains to a structure provided the structure end of the sanitary sewer is effectively plugged against the entrance of clear water and debris with a device as has been approved by the board.

(5) *New connections.* New connections to the city's sanitary sewer system will be allowed only if there is available capacity in all of the downstream wastewater collection and treatment facilities.

(Code 1982, § 13.24; Ord. No. 1096, § 1, 3-27-2007)

Sec. 14-68. Basis for sewer service charges.

(1) *Sewer users served by water utility water meters.* 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 is levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility.

(2) *Sewer users served by private wells.* If any person discharging sewage into the public sanitary sewer system procures any part or all of his water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall be required to have water meters installed for the purpose of determining the volume of water obtained from these other sources. Where sewage meters are already installed the water meters will not be required. Any person requiring such meter shall be responsible for the furnishing and installation of the necessary meters after the approval of plans for the installation by the utility superintendent. Until such time as a water meter as required in this chapter is installed, such sewer user shall be billed by the utility for an average use of 2,000 cubic feet per quarter. The sewer user shall obtain the meter described in this subsection and have it installed within 60 days from the date the sewer user is attached to the sewer system.

(Code 1982, § 13.16)

Sec. 14-69. Amount of sewer service charges.

(1) Sewer service charge unit costs. The unit costs for the sewer service charge system are as follows:

(a) Category A sewer service charge. The sewer service charge for category A sewer users is as follows:

	Effective 01/01/12	Effective 01/01/13
Fixed monthly charge	$17.80	$18.15
Volume charge	$3.63/100 cu. ft. $4.85/1000 gal.	$3.78/100 cu. ft.$5.05/1000 gal.

(b) Category B sewer service charge. The sewer service charge for category B sewer users is as follows:

	Effective 01/01/12	Effective 01/01/13

(2) Category B limitations and penalties. Category B limitations and penalties shall be as follows:

(a) The calculated pounds of five-day biochemical oxygen demand (BOD) discharged by category B sewer users to the city's wastewater collection and treatment facilities shall be limited to 1,600 pounds per day based on a 24-hour flow proportional composite sample (milligrams per liter) analysis and the user's measured volume.

(b) If the category B sewer user exceeds the BOD limit on any given day during the billing period, the city shall assess a penalty charge to the category B sewer user for exceeding the limit on each of those given days during the billing period. The penalty charge shall be two times the amount of BOD surcharge established pursuant to this section. This penalty charge shall be assessed to any BOD measured above 200 mg/l on those days that the BOD limit was exceeded by the category B sewer user and shall apply to that portion not already assessed in volume charge.

(c) In addition, the category B sewer user is subject to any penalties or fines pursuant to ss. 14-37 and 14-73 of this Code, which are deemed appropriate by the city as a result of exceeding the BOD limitation.

(Code 1982, § 13.17; Ord. No. 967, § 1, 2-25-2003; Ord. No. 1033, § 1, 10-12-2004; Ord. No. 1060, § 1, 10-11-2005; Ord. No. 1140, § 1, 10-28-2008; Ord. No. 1214, § 1, 10-26-2011; Ord. No. 1237, § 1, 2, 10-23-2012)

Sec. 14-70. Billing.

(1) *Billing period.* Sewer service charges shall be billed separately from the water bill on a monthly basis.

(2) *Payment.* Sewer service charges shall be due on the first of the month following the period in which the service is rendered and shall be payable by the 16th of that month at the office of the finance director. Failure to receive a bill shall not exempt or excuse the consumer from the obligation to pay for the service rendered.

(3) *Penalties.* Charges levied in accordance with this chapter shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person or both. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(Code 1982, § 13.19)

Sec. 14-71. Damage to or tampering with wastewater facilities.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any persons violating this section shall be subject to the penalties provided by section 1-05 of this Code.

(Code 1982, § 13.20)

Sec. 14-72. Use of public sewer.

(1) *Restricted.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpol-luted industrial process waters, cistern overflow or foundation drainage to any sanitary sewer.

(2) *Discharge of unpolluted waters.* Stormwater and all other unpolluted drainage shall be discharged to sewers specifically designated as storm sewers, or to a natural outlet approved by the engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the engineer, to a storm sewer or natural outlet. Such approval is subject to review by the department of natural resources, division of environmental protection.

(3) *Other discharges.* Other discharges shall be prohibited or restricted as follows:

(a) *Prohibited.* Prohibited discharges are the following:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plan.

3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.

4. Solid or viscous substances in quantities or of such size as are capable of causing obstruction of the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, leaves, grass clippings, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, plastics, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, papers dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(b) *Restricted.* No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the engineer or plant superintendent that such wastes can harm either the sewers, wastewater treatment plant or equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, property or constitute a nuisance. In forming their opinions as to the acceptability of such wastes, the engineer and plant superintendent shall give consideration to the factors of the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.

2. Any water or wastes containing fats, wax, grease, or oils, whether emulsified or not, in excess of 25 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit.

3. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the engineer or plant superintendent. A permit shall be obtained from the plumbing inspector prior to the installation of any such commercial garbage grinder unit. The fee for such permit shall be $2.00.

4. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment plant exceeds limits established by the engineer or plant superintendent for such materials.

5. Any waters or wastes containing odor-producing substances in a concentration that exceeds limits which may be established by the board, or any waters or wastes which release obnoxious gases, form suspended solids which interfere with the collection system or create a condition deleterious to structures and treatment processes.

6. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the engineer or plant superintendent in compliance with state or federal regulations.

7. Materials which exert or cause:

   a. 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).

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

   c. BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.

   d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in section 14-62.

8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the department of natural resources, division of environmental protection.

(4) *Industrial discharges.* If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in subsection (3) of this section, and which in the judgment of the engineer or plant superintendent may have deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the engineer or plant superintendent may:

(a) Reject the wastes.

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

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

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer service charges under the provisions of section 14-69.

(5) *Submission of information.* If the engineer permits pretreatment or equalization of waste flows the design and installation of the plant and equipment shall be subject to the requirements of all applicable codes, ordinances and laws, and any other amendments that might be made by Congress or any regulatory changes that might be made by the U.S. Environmental Protection Agency.

(6) *Interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the engineer or plant superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful

ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type readily and easily accessible for cleaning and inspection.

(7) *Preliminary treatment or flow equalization facilities maintenance.* Where preliminary treatment or flow equalization facilities are provided for any water or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

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

(9) *Measurement of flow.* The volume of flow used for computing the sewer service charge shall be the metered water consumption of the person as shown in the records of meter readings maintained by the city water department except as noted in subsection (11) of this section.

(10) *Provision for deductions.* Where unpolluted water can be discharged to a storm sewer or surface drainage and where such discharge can be measured by a water meter, it may be deducted from meter consumption for purposes of sewer service charge billing. Persons requesting such deductions shall be responsible for the furnishing and installation of the necessary meters after approval of plans for each installation by the plumbing inspector.

(11) *Metering of waste.* Devices for measuring the volume of waste discharged may be required by the engineer or plant superintendent if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the person. Following approval and installation such meters may not be removed without the consent of the engineer or plant superintendent.

(12) *Data required for connections.* All industrial users discharging wastes to a public sewer shall prepare and file with the plant superintendent a report that shall include pertinent data relating to the quantity and characteristics of the actual or predicted wastes discharged to the wastewater works on forms supplied by the utility.

(13) *Standard examination methods adopted.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest approved edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. If no special manhole has been provided, the control manhole shall be considered to be the nearest

downstream manhole and upstream manhole in the public sewer to the point at which the building manhole is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, health and property. 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 plant superintendent. The utility may also make its own analyses on the wastes and these determinations shall be binding as a basis for sewer user charges.

(14) *Pretreatment.* Where it is necessary to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be determined by the board to render his wastes acceptable for admission to the public sewers.

(15) *Grease and/or sand interceptors.* Grease, oil and sand interceptors shall be provided when, in the opinion of the plumbing inspector, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection (b) of this section, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the plumbing inspector and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal for review by the plumbing inspector. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

(16) *Provisions regarding holding tank and portable toilet wastewater.* Holding tanks and portable toilet wastewater are subject to the following:

(a) *Generally.* No person owning holding tank pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the city's wastewater collection and treatment works unless such person shall first have applied for and received a truck discharge operation permit from the city. All applicants for a truck discharge operation permit shall complete such forms as required by the city, pay appropriate fees, and agree in writing to abide by the provisions of these rules and regulations and any special conditions or regulations established by the city. The owners of such vehicles shall affix and display the permit number on each vehicle used for such purposes. Such permits shall be valid for a period of one year from the date of issuance.

The city shall designate the location and time where such trucks may discharge. The city may refuse to accept any truckload of waste in its absolute discretion when it appears that the waste could have an adverse effect on the wastewater collection and treatment works, the wastewater treatment processes, and/or any sewer or appurtenances.

(b) *Sewer service charges.* The wastewater haulers shall pay the city for wastewater treatment and disposal. This charge shall consist of the following:

	Effective 01/01/12	*Effective 01/01/13*
Holding tank waste:		
Volume charge	$13.28/100 cu. ft. or $17.75/1000 gal.	$13.65/100 cu. ft. or $18.25/1000 gal.
Portable toilet waste:		
Volume charge	$37.96/100 cu. ft. or $50.75/1000 gal.	$39.09/100 cu. ft. or $52.25/1000 gal.
Septic tank waste:		
Volume charge	$80.60/100 cu. ft. or $107.75/1000 gal.	$83.22/100 cu. ft. or $111.25/1000 gal.

(c) *Payment.* The city shall bill each wastewater hauler for sewer service charges on a monthly basis. Sewer service charges shall be due on the first of the month following the period in which the service is rendered and shall be payable by the 16th of the month at the office of the finance director. Failure to receive a bill shall not exempt or excuse the person from the obligation to pay for the service rendered. Charges levied in accordance with these rules and regulations shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable it shall be deemed delinquent and may be recovered by civil action in the name of the city against the wastewater hauler.

Each load logged through the computerized gate report will be billed at a rate of 95 percent of the total tank gallonage volume of that specific vehicle.

In the event a truck tank is replaced, the firm must reestablish a full truck volume amount. The firm must, at its expense, provide the city with a full truck and an empty truck scaled weight to determine the new volume. The weighing procedures shall be conducted as instructed by the city.

(d) *Wastewater analysis.* Wastewater haulers shall be required to submit to the city a representative sample of their wastewater upon request by the city.

In addition, wastewater haulers shall perform or shall have performed such additional tests and sampling as may be required by state or federal agencies having jurisdiction, or as deemed necessary by the city because of any suspected problems caused by the holding tank wastewater. The city agrees to be reasonable in requiring such sampling and tests. The expense of any such required sampling or testing shall be the obligation of the wastewater hauler.

(e) *Truck discharge operation permit.* In January of each year or prior to initiating any wastewater hauling operations, all private waste haulers will obtain a truck discharge operation permit for each vehicle employed in their business to haul waste. The completed application, along with a permit fee as established by the board of public

works and approved by the council, will be filed with the city clerk's office during business hours. All permit holders must have a Wisconsin Department of Natural Resources septic tank cleaner permit. A permit will be issued or denied by the city within ten days of receiving the permit application.

(f) *Prohibited discharges.* Wastewater haulers shall not discharge or cause to be discharged, directly or indirectly, sewage continuing industrial discharges or any substance as enumerated in section 14-73 of this Code as amended from time to time or any other substance prohibited by other city ordinances or any applicable state or federal regulation.

(g) *Revocation of permit.* The truck discharge operation permit shall be subject to revocation by the city for violation of any provision of these rules and regulations or other regulations established by the city or any local, state or federal agency.

(h) *Public liability insurance.* Any wastewater haulers disposing of holding tank sewage shall carry public liability insurance in an amount of not less than $100,000.00 to protect any and all persons or property from injury and/or damage that may result from the transport of the wastewater to the city's wastewater collection and treatment facilities or from the discharge of such wastewater into the city's wastewater collection and treatment facilities.

Any wastewater hauler further shall hold harmless and indemnify the city from any and all liability and claims for damages arising out of or resulting from the transport and/or discharge of holding tank wastewater.

(i) *Discharge procedures.* The city will accept discharges from wastewater haulers at the wastewater treatment plant, 3411 South Galvin Avenue. Haulers shall make arrangements for discharge with the wastewater superintendent or his designee.

(Code 1982, § 13.23; Ord. No. 967, § 2, 2-25-2003; Ord. No. 1033, § 2, 10-12-2004; Ord. No. 1060, § 2, 10-11-2005; Ord. No. 1083, § 2, 10-10-2006; Ord. No. 1214, § 1, 10-26-2011; Ord. No. 1237, § 1, 2, 10-23-2012)

Sec. 14-73. Violations and penalties.

(1) *Written notice of violation.* Any person found to be violating any provision of this article, except section 14-70, may be served by the city with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) *Deleterious discharge.* Any person found to be responsible for allowing a deleterious discharge into the sewer system which causes damage to the treatment facility or receiving body of water shall, in addition to any fine, pay for any damage caused by such discharge.

(3) *Liability to city for losses.* Any person violating any provision of this chapter shall become liable to the city for any expense, loss or damage occasioned by reason of such violation which the

city may suffer as a result thereof.

(Code 1982, § 13.21)

Secs. 14-74—14-100. Reserved.

Article IV. Water Utility

Sec. 14-101. Water pipe, value and fitting requirements.

(1) *Materials.* All water pipes placed and connected to a city water main shall be of copper or cast iron, continuous from the city mains to the owner's premises. In the case of copper pipe used for services, it shall be installed by the plumber providing a loop for expansion adjacent to the corporation valve as a safeguard against breakage. Curb stops and valve boxes shall be provided in the water service pipe and in case of leaks or defects, shall be replaced by a new valve at the owner's expense. Any leaks reported to the property owner not repaired within three days shall be repaired by the water department and charged against the owner's property. Cast iron pipe used for a customer service shall be a minimum size of standard four-inch cast iron pipe from the connection to the city main to the curb stop. This may be reduced in size beyond the valve and on the owner's property at his discretion.

(2) *Replacement of pipe when street paving.* Before placing of any permanent paving upon any street in the city, the owners of any lot or parcel of land abutting upon such street who have laid or maintained any wrought iron or galvanized water main shall, upon notice from the manager of the water department, remove such service pipe from the city water main and replace the iron service pipe with a type K copper service, conforming to the provision of subsection (1) of this section. Property owners having vacant lots abutting on any new proposed paving project shall install a copper pipe extending from the city mains to the property line at their own expense. This service pipe shall be plugged or valved. If any owner so notified fails or neglects to replace such pipe five days after receipt of such notice, the water department shall do the work, and charge the cost thereof to the property owner, to be collected in the tax of the year that the work has been done.

(3) *Replacement of private mains.* Where property owners are taking water from private galvanized mains that parallel the regular water main on the same street, they shall, upon written notice from the water department, change to the regular city water mains, using type K copper pipe.

(4) *Trenching or digging.* No person except a licensed digger or a contractor engaged in laying water mains shall do any trenching or digging within a street right-of-way, to lay or repair service lines or make private main extensions. These provisions shall not apply in emergencies. Trenching done by the city on private property shall be paid by the property owner.

(5) *Tapping into main.* The city shall supply the corporation valve and make the tap into the main when property owners are making connections, the cost thereof to be charged to such property owner.

(6) *Damage or defects to curb stops or boxes.* Maintenance and repair to curb stops or boxes and the cost thereof shall be the responsibility of the owner of the property on which the curb stops or boxes are located. The water department shall, at its own expense, make necessary repairs to leaky service lines between mains and the street side of the curb stop. Where an old service has been installed without a curb stop, responsibility shall be determined as the edge of the traveled portion of the street nearest the property line, and when a repair is necessary, a curb stop shall be installed and charged to the property owner.

(7) *Shutoff at curb stop.* If a property owner wishes to have water shut off at the curb stop or locking valve, the water department shall shut off and turn on the water at no charge to the property owner.

(8) *Installation of meters.* Meters shall be installed in accordance with the following:

(a) The water department shall not be held liable for any damage to piping where the meters are screwed directly into the piping. The proper meter gap shall be brought out for a meter installation, including the tailpieces provided with the meter.

(b) Consumers or property owners where meters are located within the building shall not cover the meters or place obstructions that may prevent convenient access to the meter by water department employees to read or make repairs. Property owners shall provide a proper well or pit suitable and sufficient to accommodate the installation of outside water meters at their own expense.

(c) All new buildings shall be equipped with outside meter reading devices, which shall be installed at the expense of the water department.

(9) *Frostproof box, when required.* The property owner shall at his own expense install a frostproof box or container where it is necessary to protect the water meter from damage. All damage to water meters found frozen or otherwise shall be charged to the property owner.

(10) *Backfilling.* The plumbers shall properly backfill all excavation on water services so that there is no ditch left due to the settling of the earth.

(11) *Access for inspection of defects.* The water department shall have access to any industrial, commercial or resident building to inspect leaks or defects on water services or the change and repair of water meters on the owner or owner's premises.

(Code 1982, § 13.30)

Sec. 14-102. Outdoor water usage restrictions.

(1) *Water usage restrictions.* The Marshfield utility manager with concurrence of the Marshfield Utility Commission and the council may impose voluntary or mandatory outdoor water usage restrictions on all water users in the City of Marshfield. The restrictions may apply to all properties using city water or to alternate sides of the street as deemed necessary by the utility manager. Alternate side restrictions would apply to even-numbered sides of the street on even-numbered calendar days and odd-numbered sides of the street on odd- numbered calendar days

respectively. Restrictions may be for all day or for specified times each day. Reasons for such restrictions will be given with each notice. Notice of the restrictions shall be given to all news media in the City of Marshfield.

(2) *Criteria for mandatory restrictions.* Criteria for mandatory restrictions shall be as follows:

(a) To avoid undue stress upon the resources and reserve capacity of the water utility.

(b) To avoid sustained low pressure.

(c) To maintain reservoir levels sufficient to provide adequate fire protection.

(d) To compensate for loss of one or more wells.

(3) *Outdoor water usage restrictions.* The following restrictions would be imposed based on the needs and concerns of the water utility. The level of severity of the imposed restrictions would be based on such factors as weather conditions and/or forecasts; water distribution system pressure; reservoir levels and groundwater levels:

(a) Voluntary water restrictions.

(b) Mandatory water restrictions.

(c) Mandatory water restrictions even/odd sides of the street and specified times each day.

(d) Mandatory water restrictions on certain days of the week.

(e) Mandatory water restrictions for complete ban of outdoor water usage.

(4) *Penalty.* Any person, owner or occupant who violates any mandatory restriction on water usage issued pursuant to this section, or fails to comply with any of its requirements, shall upon conviction thereof, be subject to a forfeiture of not less than $20.00 nor more than $100.00. Each day such violation continues shall be considered a separate offense.

(Code 1982, § 13.31)

Secs. 14-103—14-130. Reserved.

Article V. Communications

Sec. 14-131. Establishment.

Pursuant to chapters 62 and 66 Wis. Stats. and, without limitation, § 62.11(5) Wis. Stats., the City of Marshfield (referred to in this article as "city") hereby exercises its authority to create a municipal communications utility.

Sec. 14-132. Services.

The communications utility shall be responsible to plan, acquire, construct, extend, improve, maintain, operate, lease, dispose of, regulate, and manage a communications system to be constructed by the city in order to provide service including but not limited to telecommunication, data, fiber optic, Internet, cable television, video and information services. Such services shall be provided within the city, and coextensive within such area outside the city as are now or in the future will be served by the city electric utility.

Sec. 14-133. Management.

The communications utility shall be under the charge and management of the Marshfield Utility Commission, which may exercise all powers necessary or desirable to effect its purposes.