

# SEWER USE and USER CHARGE ORDINANCE

## CITY OF FENNIMORE GRANT COUNTY, WISCONSIN

Ordinance No. 255

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.03 OF THE MUNICIPAL CODE OF THE CITY OF FENNIMORE, GRANT COUNTY, WISCONSIN, RELATING TO PROCEDURES, SAFEGUARDS AND FUNDS TO CONSTRUCT, OPERATE AND MAINTAIN AND MEET WPDES PERMIT LIMITS AT THE FENNIMORE WASTEWATER TREATMENT FACILITIES;**

**WHEREAS**, the City of Fennimore, Wisconsin, owns and operates a wastewater treatment works; and

**WHEREAS**, the City must pay all the operation and maintenance expenses associated with said treatment works and charge the users of said treatment works accordingly; and

**WHEREAS**, the City, by accepting wastewater and septage assumes all risk for treatment and meeting their WPDES permit but reserves the right to immediately discontinue acceptance of wastewater or septage for operational and permit reasons; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Fennimore, Grant County, Wisconsin, as follows:

Section 7.03 of the Municipal Code of the City of Fennimore shall be repealed and recreated as follows:

### **7.03 SEWERAGE UTILITY**

#### **(1) INTRODUCTION AND GENERAL PROVISIONS**

(a) This Ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the City of Fennimore. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the City to comply with administrative provisions, and other discharge criteria that are required or authorized by the State of Wisconsin or Federal law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the Fennimore sewerage system.

(b) This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

(2) **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) **APPROVING AUTHORITY** shall mean the Common Council of the Fennimore, or its duly authorized committee, agent or representative.

(b) **AMMONIA NITROGEN (NH<sub>3</sub>-N)** shall mean one of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH<sub>3</sub> or in ionized form as NH<sub>4</sub>. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

(c) **BIOCHEMICAL OXYGEN DEMAND (BOD)** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

(d) **BUILDING DRAIN** shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the wall of the building and conveys it to the building sewer, beginning approximately five feet outside the inner face of the building wall.

(e) **BUILDING SEWER** shall mean the extension from the building drain to the public main, and is also referred to as the lateral. Except as specifically provided in this Ordinance, the City shall not be responsible for the construction and maintenance of building sewers or laterals.

(f) **CHEMICAL ELEMENTS & COMPOUNDS** that are typically found in wastewater and may be regulated by this ordinance:

|                  |                    |
|------------------|--------------------|
| Ammonia Nitrogen | NH <sub>3</sub> -N |
| Arsenic          | As                 |
| Cadmium          | Cd                 |
| Chloride         | Cl                 |
| Copper           | Cu                 |
| Chromium         | Cr                 |
| Cyanide          | Cn                 |
| Lead             | Pb                 |
| Mercury          | Hg                 |
| Nickel           | Ni                 |
| Nitrogen         | N                  |
| Phosphorus       | P                  |
| Radium           | Ra                 |
| Zinc             | Zn                 |

(g) **COMMERCIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage.

(h) **COMPATIBLE POLLUTANTS** shall mean biochemical oxygen demand, suspended solids, phosphorus, nitrogen, or pH, plus additional pollutants identified in the WPDES permit for the wastewater treatment works receiving the pollutant, if such works were designed to treat such additional pollutants to a substantial degree.

(i) **EASEMENT** shall mean an acquired legal right for the specific use of land owned by others.

(j) **FLOATABLE OIL** shall mean 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 or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection or treatment systems.

(k) **GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.

(l) **GROUND GARBAGE** shall mean the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particulates will be no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.

(m) **HOLDING TANK SERVICE AREA** shall mean the area outside the City's current sewer service area, but inside or equal to the City's future sewer service area where a contract has been developed for holding tank wastewater to be treated at the wastewater treatment works.

(n) **INCOMPATIBLE POLLUTANTS OR WASTEWATER** shall mean wastewater or septage with pollutants that will adversely affect or disrupt the wastewater treatment processes, effluent quality or sludge quality if discharged to the wastewater facilities.

(o) **INDUSTRIAL USER** shall mean any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, dairy products processing, meat processing, other food and drink products, painting or finishing operations, transportation, communications or utilities, mining, agriculture, forestry, or fishing.

(p) **INDUSTRIAL WASTE** shall mean the wastewater from an industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from pretreatment facilities.

(q) **LICENSED DISPOSER** shall mean a person or business holding a valid license to do septage servicing under NR 113.

(r) **MAY** is permissible.

(s) **MILLIGRAMS PER LITER (mg/L)** shall be a weight-to-weight ratio; the milligrams per liter value (mg/L) multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

(t) **MUNICIPAL WASTEWATER** shall mean the wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may have inadvertently entered the sewer system.

(u) **NATURAL OUTLET** shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

(v) **NORMAL DOMESTIC SEWAGE** shall mean sanitary sewage resulting from the range of normal domestic activities, in which BOD, SS, total Kjeldahl nitrogen, and phosphorus concentrations meet the following:

- (i) A five day, 20°C BOD of not more than 250 mg/L.
- (ii) A suspended solids content of not more than 300 mg/L.
- (iii) A total Kjeldahl nitrogen content of not more than 25 mg/L.
- (iv) A total phosphorus content of not more than 8 mg/L.

(w) **PARTS PER MILLION (ppm)** shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water. Equivalent to milligrams per liter (mg/L).

(x) **PERSON** shall mean any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency or other entity.

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

(z) **PRETREATMENT** shall mean an arrangement of devices and structures, for the preliminary treatment of processing of wastewater required to render such wastes acceptable for admission to the public sewers.

(aa) **PRIVATE SEWER** shall mean any sewer outside of a public right of way or public easement. Except as provided in this Ordinance, a private sewer shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewer.

(bb) **PUBLIC SEWER** shall mean any sewer provided by or subject to the jurisdiction of the City of Fennimore. It shall also include sewers within or outside the corporate boundaries that serve more than one person and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewers shall not include private sewers or building sewers.

(cc) **PUBLIC USER** shall mean any user discharging Normal Domestic Sewage whose premises are used primarily by a governmental entity, private school or public school.

(dd) **RESIDENTIAL USER** shall mean any dwelling discharging Normal Domestic Sewage. This includes single-family homes, mobile homes, duplex units and apartment units. Each single-family residential unit shall be separately metered and invoiced as a separate user.

(ee) **SANITARY SEWAGE** shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial plants (other than industrial wastes from such plants), together with such ground, surface and storm waters as may be present.

(ff) **SANITARY SEWER** shall mean a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.

(gg) **SEPTAGE** shall mean the wastewater or contents of septic or holding tanks, dosing chambers, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.

(hh) **SEWAGE** is the spent water of a community. The preferred term is "municipal wastewater."

(ii) **SEWER SERVICE AREAS** are the areas presently served and anticipated to be served by a municipal wastewater collection system. The sewer service area is delineated in the most recently approved Facility Plan.

(jj) **SEWER SERVICE CHARGE** is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital expenses as well as the operation, maintenance costs, and replacement of said facilities.

(kk) **SEWER SYSTEM** means the common sanitary sewers within a sewerage system that are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are

specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the City.

(ll) **SEWERAGE SYSTEM** means all structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.

(mm) **"SHALL"** is mandatory.

(nn) **SLUG LOAD** shall mean any substance released at a discharge rate and/or concentration that causes interference to wastewater treatment processes or plugging or surcharging of the sewer system.

(oo) **STANDARD METHODS** shall mean 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 Environment Federation.

(pp) **STORM DRAIN** (sometimes termed "storm sewer") shall mean a drain or sewer for conveying surface water, groundwater, subsurface water, or unpolluted water from any source.

(qq) **STORMWATER RUNOFF** shall mean that portion of the rainfall that is collected and drained into the storm sewers.

(rr) **SUSPENDED SOLIDS** shall mean solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.

(ss) **TOXIC DISCHARGES** means a discharge containing a substance or mixture of substances which, through sufficient exposure, or ingestion, inhalation, or assimilation by an organism, either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the City, cause death, disease, behavioral or immunological abnormalities, cancer, genetic mutations, or developmental or physiological malfunctions, including malfunctions in reproduction or physical deformations, in such organisms or their offspring.

(tt) **USER CLASSES** are categories of users having similar flows and water characteristics; that is, levels of biochemical oxygen demand, suspended solids, nitrogen, etc. For the purposes of this ordinance, there shall be four user classes: residential, commercial, industrial and public authority.

(uu) **WASTEWATER FACILITIES** shall mean the structures, equipment and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.

(vv) **WASTEWATER TREATMENT WORKS** shall mean an arrangement of devices and structures for treating wastewater, septage, industrial waste and sludge. Sometimes used as synonymous with sewage treatment facility.

(ww) **WATERCOURSE** shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.

(xx) **WPDES:** Wisconsin Pollutant Discharge Elimination System permit, issued per NR210.

### (3) MANAGEMENT, OPERATION AND CONTROL

(a) **AUTHORITY.** The management, operation and control of the wastewater facilities of the City of Fennimore is vested in the Common Council; all records, minutes and all written proceedings thereof shall be kept by the City Clerk; the City Clerk shall keep all the financial records.

(b) **CONSTRUCTION.** The Common Council shall have the power to construct wastewater treatment facilities, pumping stations and sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets and public grounds of the City; and generally, to do all such work as may be found necessary or convenient in the management of the wastewater facilities. The Common Council shall have power by themselves, their officers, agents and representatives to enter upon any land for the purpose of making examination in the performance of their duties under this Ordinance, without liability therefore; and the Common Council shall have power to purchase and acquire for the City any real and personal property which may be necessary for construction of the wastewater facilities, or for any repair, remodeling, or additions thereto.

(c) **MAINTENANCE OF SERVICES.** The property owner shall maintain the building sewer from the street main to the house and including all controls between the same, without expense to the City, except when they are damaged as a result of negligence or carelessness on the part of the City. All building sewers must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such sewer and a new building sewer will be installed for each building.

(d) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Common Council be necessary to the wastewater facilities, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the Common Council shall proceed with all necessary steps to take such real estate, easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used for the project associated with the real estate or easement.

(e) **TITLE TO REAL ESTATE AND PERSONALTY.** All property, real, personal and mixed, acquired for the construction of the wastewater facilities, and all diagrams, papers, books and records connected therewith said wastewater facilities, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the City of Fennimore.

### (4) USER RULES AND REGULATIONS

(a) **GENERAL.** The rules, regulations, and sewer rates of the City of Fennimore, hereinafter set forth, shall be considered a part of the contract with every person, company or corporation who is connected to or uses the sewer system or wastewater treatment works and every such person, company or corporation by connecting with the sewer system or wastewater treatment works shall be considered as expressing their assent to be bound thereby. Whenever any of said rules and regulations, or such others as the Common Council may hereinafter adopt, are violated, the use or service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection) and shall not be re-established except by order of the Common Council and on payment of all arrears, the expenses and charges of shutting off and putting on, and such other terms as the Common Council may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation, the Common Council, furthermore, may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Common Council to change these said rules, regulations, and sewer rates from time to time as it may deem advisable; and make special rates and contracts in all proper cases.

The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established.

(b) **PLUMBERS.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Common Council. All service connections to the sewer main shall comply with State plumbing code.

(c) **PRIVATE SYSTEMS**

(i) **SEPTIC TANKS PROHIBITED.** From June 1, 2009, the use of septic tanks, holding tanks or any other private sewage disposal system within the sewer service area of the City shall not be permitted unless approved by the Common Council.

(ii) **MANDATORY HOOK-UP.** The owner of each parcel of land within the City adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect to such system within 365 days of notice in writing from the Common Council. Upon failure to do so, the Common Council may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax against the property. The full cost of making the connection shall be the property owner's responsibility.

In the alternative, the City at its option may impose a penalty for the period that the violation continues, after 10 days written notice to any owner failing to make a connection to the sewer system, of a penalty in the amount of \$5.00 per day. Upon failure to make such payment, said charge shall be assessed as a special tax against the property, all pursuant to Wis. Stat. sec. 281.48.

This ordinance ordains that the failure to connect to the sewer system is contrary to the minimum health standards of the City and fails to assure preservation of public health, comfort, and safety of the City.

(d) **APPLICATIONS FOR SERVICE**

(i) **APPLICATION FOR SEWER SERVICE.** Every person desiring to connect to the sewer system shall file an application in writing to the City Clerk on such form as is prescribed for that purpose. Such application forms will be furnished at the office of the City Clerk. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Persons connected to the sewer system of the City are referred to herein as "Users."

Sewer service is limited to parcels within the City limits unless a connection exists on September 1, 2008. Surcharged rates will apply to any non-City parcel accepted for service.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Common Council may reject the application. If the City approves the application, it shall issue a permit for services as shown on the application upon payment of the connection charge.

(ii) **APPLICATION FOR SEPTAGE DISPOSAL.** Between August 1 and September 1 of each year, each licensed disposer wishing to discharge septage to the City wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the City Clerk on such form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the City Clerk. The application must state fully and truthfully the type, frequency, quantity, quality and location of generated septage to be disposed in the wastewater treatment works.

During the month of September, the Common Council will evaluate the applications and make a determination as to the amount and conditions of septage disposal. The Common Council shall approve or reject all applications by October 1 of each year. If the City cannot accept all the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the sewer service or holding tank service areas (see NR 205.07(2)(e) and (f)).

The person(s) or party disposing waste shall furnish bond to the City in the amount of \$1,000.00 to guarantee performance. Said performance bond shall be delivered to the City Clerk prior to the issuance of the permit hereunder. Any person or party disposing of septage agrees to carry public liability insurance in an amount not less than one hundred thousand dollars (\$100,000.00) to protect any and all persons or property from injury and/or damage caused in any way or manner by any act, or failure to act, by any of his employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.

All Common Council approvals for septage disposal shall have the condition that any time the sewerage system has operational problems, maintenance problems or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the City may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.

**(e) CONNECTION CHARGE.** Persons attaching to a public sewer main shall have the building sewer from the sewer main installed at their own expense and shall pay a connection charge as follows:

|   |            |
|---|------------|
| Residential (Single family)             | \$500.00   |
| Residential (Multiple family per unit)  | \$250.00   |
| Churches                                | \$400.00   |
| Commercial & Industrial (Domestic Only) | \$500.00   |
| Motels & Laundromats                    | \$600.00   |
| Schools                                 | \$2,500.00 |

**(f) USE OF SEWERS**

**(i) USER TO KEEP IN REPAIR.** All users shall keep their own building sewers in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.

**(ii) BACKFLOW PREVENTOR.** All sewer services shall have a backflow prevention valve installed and maintained at the owner's expense.

**(iii) USER USE ONLY.** No user shall allow other persons or other services to connect to the sewer system through their building sewer.

**(iv) VACATING OF PREMISES AND DISCONTINUANCE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the City Clerk must be notified in writing.

**(v) USER TO PERMIT INSPECTION.** Every user shall permit the City or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Wis. Stat. sec. 196.171.

**(g) UTILITY RESPONSIBILITY** It is expressly stipulated that no claim shall be made

against the City or acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer within any district of the City, the City Clerk shall, if practicable, give notice to each and every consumer within the affected area of the time when such service will be shut off.

**(h) BUILDING SEWER CONSTRUCTION**

**(i) EXCAVATIONS.** An excavation permit shall be obtained before beginning work. In making excavations in streets or highways for laying building sewers or making repairs, the paving and the earth removed shall be deposited in a manner that will result in the least inconvenience to the public.

No person shall leave any such excavation made in any street or highway open at any time without barricades; and, during the night, warning lights must be maintained at such excavations.

In refilling the opening within the public right-of-way, after the pipes are laid, use aggregate base backfill placed in layers of not more than six (6") inches in depth, and each layer thoroughly compacted to prevent settling. In refilling the opening on private property, after the pipes are laid, use earth backfill placed in layers of not more than nine (9") inches in depth, and each layer thoroughly compacted to prevent settling. This work, together with the replacing of sidewalks, base course and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the City. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.

**(ii) TAPPING THE MAINS.** No persons except those having special permission from the City or persons in their service and approved by them will be permitted, under any circumstances, to tap the public sewer or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits from the City, to ensure that new sewers and connections to the sewer system are properly designed and constructed.

Pipes should always be tapped on top, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made into saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.

**(iii) INSTALLATION OF BUILDING SEWERS (HOUSE LATERALS).** All building sewers pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter Comm 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing," especially, Section Comm 82.30 "Sanitary Drain Systems."

As required by Section Comm 82.21, all laterals shall be inspected by the City: "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before or after backfilling."

**(iv) CLEARWATER CONNECTION PROHIBITED.** No person shall make connections of roof downspouts, foundation drains, sump pumps, yard drains, or other sources of surface runoff or groundwater to a building sewer or building drain that is connected directly or indirectly to the public sewer. Any existing connections of surface runoff or groundwater shall be disconnected within 60 days of written notice from the City.

**(v) INSPECTION OF CONNECTION.** The applicant for connection shall notify

the City Clerk when the building sewer is ready for inspection and connection to the public sewer. The actual connection shall be made under the supervision of the City.

(i) **EXTENSIONS OF SEWER MAINS.** The City shall extend sewer mains in accordance with the following charges and the following conditions:

(i) **APPLICATION.** When an extension of a sewer main is requested by the prospective user, said person should make an application for such an extension in writing to the Common Council by filing of a written application. After the filing of such an application; the Common Council shall first determine the logical location of the next manhole or manholes. Next, the Council shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. The Council shall then refer the proposed project to the Plan Commission for review and recommendation. After such review and recommendation, if any, the Common Council shall act on the application. The minimum length of an extension shall be the distance to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances and regulations.

(ii) **PAYMENT BY USERS.** The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension.

(iii) **METHOD OF DIVIDING COST.** After making the decision as to the length and location of the extension and prior to the time of making the charge to the person(s), the Common Council shall determine the benefits to be received by any parcel that will be served by said extension. Before making a determination as to benefits received, the Common Council shall first divide the area to be served into logical building lots. The Common Council may consider the recommendations of the landowner in determining said building lots if the landowner as part of his or her application accompanies said application with a proposed division of said land into lots for sale or use. In determining the amount to be paid by the original users, if more than one user is involved, the division of the charge shall be made by considering each building lot as a separate user. Payments are to be considered contributions to construction.

(iv) **FUTURE USERS.** After the original contribution, any future connection by reason other than to a lot owned by a party making a previous contribution, such user may be required to pay to the original contributor their pro-rata share of the lot or lots owned by the new attaching user in the entire extension cost as if said user had been one of the original contributors. No refund shall be made to the original contributors after the extension has been in service for 5 years.

(v) **CONSTRUCTION.** If the City constructs the extension, full payment shall be made before construction begins unless otherwise agreed between the person requesting the extension and the Common Council. If the developer constructs the extension, no construction shall begin until plans are approved by the Common Council, the City Engineer and the Department of Natural Resources. The City shall assume responsibility for the extension when construction is completed, all tests have been satisfactorily completed and the necessary right-of-way or easement has been recorded.

In addition to the charge made as above provided to each lot, each user shall pay the connection charge and the full cost of the building sewer from the main to the user's building.

(j) **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 as specified by the Common Council.

Septage discharges to the receiving facility at the wastewater treatment facility shall be limited to the posted, normal working hours of the facility. Documentation of the discharge shall be

submitted to the City Clerk within one working day of the discharge.

The forms prescribed for the purpose of documentation of the discharge will be furnished at the City Clerk's office and will include the following information:

- a) Name, address and telephone number of the hauler.
- b) License number
- c) Type of septage
- d) Quantity of septage
- e) Estimated quality of septage
- f) Location, date, time and feed rate of discharge
- g) Source of septage
- h) Name and address of septage generator
- i) Other information as required by the City.

**(k) RV DUMPING STATIONS.** Domestic waste holding tanks on Recreational Vehicles and trailers shall only be permitted to discharge at the wastewater treatment facility.

**(l) ADDITIONAL AUTHORITY.** The Common Council may at any time establish specific connection and lateral charges for any main not covered by other provisions in this ordinance or when the Common Council has made an extension and the Common Council has failed to provide lateral or connection charges. It is further provided that the Common Council may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous Ordinance or Resolutions.

## **(5) REGULATIONS**

**(a) GENERAL DISCHARGE PROHIBITIONS.** No person shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater facilities of the City:

**(i)** Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.

**(ii)** Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

**(iii)** Any wastewater having a pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system unless the system is specifically designed to accommodate such wastewater.

**(iv)** Any wastewater containing arsenic, cadmium, copper, chromium, chloride, cyanide, lead, mercury, nickel, zinc or other toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in special agreements, State or Federal Categorical Pretreatment Standards.

**(v)** Any noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

**(vi)** Any substance that may cause the wastewater treatment works effluent, treatment residues, sludge or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(vii) Any substance that will cause violations of the WPDES and/or other disposal system permits.

(viii) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(ix) Any wastewater having a temperature that will inhibit biological activity in the wastewater treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the public sewer that exceeds 120°F unless the wastewater facilities are designed to accommodate such temperature.

(x) Any slug load, which shall mean any pollutant, including oxygen-demanding pollutants (BOD), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the wastewater treatment works.

(xi) Any unpolluted water including, but not limited to, non-contact cooling water.

(xii) Any wastewaters that may be acutely or chronically toxic to aquatic life or wild and domestic animals.

(xiii) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.

(xiv) Any wastewater that causes a hazard to human life or creates a public nuisance.

(xv) Any storm water, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the public sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the Common Council.

**(b) LIMITATIONS ON WASTEWATER STRENGTH**

(i) National categorical pretreatment standards shall, as promulgated by the U.S. Environmental Protection agency, be met by all dischargers of the regulated industrial categories.

(ii) State requirements and limitations on all facilities shall be met by all dischargers who are subject to such standards in any instance in which they are more stringent than other applicable requirements.

(iii) The Common Council reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the wastewater facilities where deemed necessary to comply with the objectives set forth in this Ordinance.

(iv) **DILUTION.** No user shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance unless approved in writing by the City.

(v) **SUPPLEMENTARY LIMITATIONS.** No user shall discharge wastewater containing concentrations of the following enumerated materials exceeding the following values unless prior approval is granted by the Common Council

| <u>Material</u>           | <u>Concentration (mg/L)</u> |
|---------------------------|-----------------------------|
| Biochemical Oxygen Demand | 250 mg/L                    |
| Suspended Solids          | 300 mg/L                    |

Fats, Oil and Grease (FOG)  
Phosphorus

100 mg/L  
8 mg/L

The Common Council may also impose mass limitations on users that are using dilution to meet the Pretreatment Standards or requirements of this Ordinance or in other cases where the imposition of mass limitations is deemed appropriate by the Common Council.

(c) **ACCIDENTAL DISCHARGES.** Each user shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent additional discharge of prohibited materials shall be provided and maintained at the user's cost and expense. Detailed plans showing facilities and operating procedures shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

Dischargers shall notify the City immediately upon the occurrence of a "slug load" or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any user who discharges a slug load or prohibited materials shall be liable for any expense, loss or damage to the City's wastewater facilities or wastewater treatment works, in addition to the amount of any forfeitures imposed on the City on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on industrial user's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(d) **SPECIAL AGREEMENTS.** No statement contained in this article shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the wastewater treatment works, either before or after pretreatment, provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth are complied with.

## (6) SEWER USER CHARGE SYSTEM

### (a) ADDITIONAL DEFINITIONS

The following terms shall have the following meaning under this Ordinance:

(i) **DEBT SERVICE CHARGES** shall include all costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facilities.

(ii) **NORMAL DOMESTIC STRENGTH WASTEWATER** shall mean wastewater with concentrations of BOD<sub>5</sub> no greater than 250 milligrams per liter (mg/L), suspended solid no greater than 300 milligrams per liter (mg/L) and phosphorus no greater than 8 milligrams per liter (mg/L).

(iii) **NORMAL USER** shall be a user whose contributions to the sewerage system consist only of normal domestic strength wastewater originating from a house, apartment, or other living quarters occupied by a person or persons constituting a distinct household, business or commercial enterprise.

(iv) **OPERATION AND MAINTENANCE (O&M) COSTS** shall include all costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs, including costs associated with clear water flows (I/I), shall be divided proportionately among the various classes of sewer users.

(v) **REPLACEMENT COSTS (R)** shall include all costs necessary to accumulate the resources as required to maintain capacity and performance during the design life of the facility. Two separate, segregated, distinct Replacement Funds shall be established. The Treatment Replacement Fund shall be used only for replacement of equipment at the Wastewater Treatment Works. The Collection System Replacement Fund shall be used only for replacement or rehabilitation of sanitary sewers.

(vi) **SEWER SERVICE CHARGE** is a service charge levied on users of the sewer system for payment of Debt Service, Operation and Maintenance costs and Replacement of said facilities.

(b) **POLICY.** It shall be the policy of the City to obtain sufficient revenues to pay the costs for the debt service, operation and maintenance of the wastewater facilities, including a replacement fund, through a system of sewer service charges as defined in this section. The system shall assure that each user of the wastewater facilities pays their proportionate share of the cost of such facilities.

(c) **BASIS FOR SEWER SERVICE CHARGE.** The sewer service charge shall be based on two parts, the Fixed Meter Charge plus the Sewer Use Charge.

The Fixed Meter Charge and the Sewer Use Charge shall be sufficient to pay the costs of net Debt Service for capital costs, the Replacement Funds and fixed Operation and Maintenance expenses. The rates in this ordinance shall be reviewed not less than biennially. Such review will be performed by the Common Council. Rates shall be adjusted, as required, to reflect the actual volume of water used, number and size of users and actual costs. Users shall be notified annually of the portion of service charges attributable to debt service and operation, maintenance, and replacement.

(d) **FIXED METER CHARGE.** A Fixed Meter Charge (FMC) is hereby imposed upon each lot, parcel of land, building or premise served by the sewerage system or otherwise discharging sewage, including non-domestic and industrial wastes, into the system. Such Fixed Meter Charge shall be payable as herein provided and shall be on the basis of the size of the water meter in accordance with the table in Appendix A.

(e) **SEWER USE CHARGE.** A Sewer Use Charge is hereby imposed on all users of the sewerage system based upon the metered water used thereon or therein as calculated by the Water Utility. This charge shall be computed by dividing the proposed net yearly debt service, operation, maintenance and replacement budgets as provided in this Ordinance by the previous year's average billable water usage.

Any refrigeration, air conditioning/humidification system or industrial cooling water not entering the sewerage system shall not be used in computing the Sewer Use Charge if a separate meter is installed. The user of such system shall be responsible for furnishing, installing and maintaining the necessary meter.

Such Sewer Use Charge shall be payable as hereinafter provided and in an amount determinable as follows:

(i) **CATEGORY A** is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD5) no greater than 250 milligrams per liter (mg/L) and suspended solids no greater than 300 milligrams per liter (mg/L). The Sewer

Service Charge for Category A wastewater shall be established by ordinance of the Common Council from time to time and notice of any rate established shall be provided at least one month before the change is effective.

(ii) **CATEGORY B** is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD5) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 300 milligrams per liter (mg/L). The minimum Category B charge will be based on a concentration of 250 mg/L BOD5 and 300 mg/L SS. The Sewer Service Charge for Category B shall be established by the City.

(iii) **CATEGORY C** is defined as septage or holding tank wastewater that has organic concentrations of biochemical oxygen demand (BOD) greater than 250 milligrams per liter (mg/L) and/or suspended solids (SS) greater than 300 milligrams per liter (mg/L). Charges will be based on the unit prices provided in the current rate schedule plus an administrative charge of \$25.00 per load. It will be assumed that holding tank wastewater has a BOD of 600 mg/l and a S.S. of 1,800 mg/L and septic tank wastewater has a BOD of 5,000 mg/L and S.S. of 15,000 mg/L unless an actual analysis is furnished by the discharger.

(iv) **RV DUMPING STATIONS.** Sewage dumping stations serving domestic waste holding tanks on Recreational Vehicles and trailers shall pay \$10.00 per use.

## (7) CONTROL OF INDUSTRIAL AND SEPTAGE WASTEWATERS

(a) **DISCHARGE CONDITIONS.** If any wastewaters or septage are discharged, or proposed to be discharged, to the wastewater facilities that contain substances or possess the characteristics enumerated in Section (5) and which, in the judgment of the Common Council may be detrimental to the wastewater facilities, the Common Council may:

(i) Reject the wastes

(ii) Require pretreatment to an acceptable condition for discharge to the sewer system.

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

(iv) Require payment to cover the added cost of handling and treating the wastewater not covered by existing sewer charges under the provisions of Section 6 (e) (iii).

(b) **SEPTAGE DISCHARGES.** Septage discharged to the wastewater facilities shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes.

### (c) CONTROL MANHOLES

(i) 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 their waste, excluding domestic sewage when feasible.

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

(iii) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, at their expense, and shall be maintained by the person discharging the waste 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 Common Council prior to the beginning of construction.

(d) **MEASUREMENT OF FLOW.** The volume of flow used for computing the Sewer Use Charge for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the City Water Utility unless approved wastewater flow meters are provided.

(e) **PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Common Council that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the wastewater volume discharged into the public sewer may be made a matter of agreement between the City and the industrial wastewater discharger.

(f) **METERING OF WASTEWATER.** Devices for measuring the volume of wastewater discharged may be required by the Common Council if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of wastewater 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 City.

(g) **WASTEWATER SAMPLING**

(i) Industrial wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste as specified by the City.

(ii) 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 City.

(iii) Laboratory analysis shall be the responsibility of the person discharging the wastewater or septage and shall be subject to the approval of the Common Council or its duly authorized representatives. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken. All analysis shall be performed by a Wisconsin certified laboratory.

(h) **PRETREATMENT.** When required, in the opinion of the Common Council, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater facilities, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.

(i) **GREASE AND/OR SAND INTERCEPTORS.** When required, in the opinion of the Common Council, grease, oil, and sand interceptors shall be provided by the discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger 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 that are subject to review by the City. Any removal and hauling of the collected materials not performed by the discharger's personnel must be performed by currently licensed disposal firms.

(j) **ANALYSES**

(i) All measurements, tests, and analyses of the characteristics of water, waste, and septage to which reference is made in the Ordinance shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.

(ii) Determination of the character and concentration of the industrial wastewater shall be made by the person discharging them or their agent, as designated and required by the Common Council. The City may also make its own analyses of the wastes and these determinations shall be used as a basis for charges. If the person discharging the waste contests the determination, the City may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be acceptable to both the City and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.

(k) **SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, of wastewater processing facilities shall be submitted for review or the City Engineer prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

(l) **SUBMISSION OF BASIC DATA.** Within three (3) months after passage of this Ordinance, each person who discharges industrial wastes to a public sewer shall prepare and file with the City, a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged to the sewerage system. The City shall be notified 60 days in advance of any plans that change the discharge by more than 15 percent of flow or strength. Such a request shall be evaluated as provided in Section 7 (a).

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 City a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(8) **PAYMENT FOR CHARGES**

(a) **PAYMENT AND PENALTY.** The Sewer Service Charge shall be for the corresponding period of the water bills, monthly for all users. Charges shall be payable to the City Clerk not later than 20 days after the date of the invoice. A penalty of one percent (1%) per month shall be added to all bills not paid by the date fixed for final payment.

(b) **CHARGES A LIEN.** All sewage charges shall be a lien upon the property serviced pursuant to Section 66.0809(3), Wisconsin Statutes, and shall be collected in the manner therein provided.

(c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Ordinance shall be credited to a wastewater facilities account that shall show all receipts and expenditures of the wastewater facilities. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the Common Council, the credits to the account shall be available for the payment of costs of wastewater facilities consistent with NR 162. All present outstanding sewer system general obligation bonds, including refunding bonds, shall be paid from this fund as to both principal and interest.

(9) **ANNUAL AUDIT**

The Common Council shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionality between users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs and debt service charges. The findings and recommendations of this audit shall be available for public inspection.

## **(10) VIOLATIONS AND PENALTIES**

**(a) DAMAGES.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure or equipment that is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**(b) WRITTEN NOTICE OF VIOLATION.** Any person connected to the wastewater facilities found to be violating a provision of this Ordinance shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event of an emergency the notice may be verbal.

Any licensed disposer discharging to the wastewater facilities found to be violating a provision of this ordinance or of any conditions of the City's approval for septage disposal may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.

**(c) DELETERIOUS DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the wastewater facilities which causes damage to the facilities and/or receiving water body shall, in addition to a forfeiture, pay the amount to cover all damages, both of which will be established by the Common Council.

**(d) DISCHARGE REPORTING.** Any person responsible for a discharge that may have a detrimental impact on the sewerage system shall immediately report the nature and amount of the discharge to the City Clerk.

**(e) LIABILITY TO CITY FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation that the City might suffer as a result thereof.

**(f) DAMAGE RECOVERY.** The City shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the wastewater facilities damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

### **(g) PENALTIES.**

**(i)** Any person who shall violate any of the provisions of this Ordinance or rules or regulations of the City or who shall connect a service pipe or discharge without first having obtained a permit therefore; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution. This, however, shall not bar the City from enforcing the connection duties set out in Section 4(c)(ii) for mandatory hookup.

**(ii)** Any person, partnership, or corporation, or any officer, agent, or employee thereof, who shall continue any violation after the lapse of the time limit provided for cessation of a violation shall, upon conviction thereof, forfeit not less than five hundred dollars (\$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 five (5) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

**(h) APPEAL PROCEDURES.** Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the Common Council 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 Common Council

shall render a decision on the request for reconsideration to the user in writing within thirty (30) days of receipt of request. If the ruling on the request for reconsideration made by the Common Council is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Common Council. A fee of \$100.00 shall accompany any appeal. This fee shall be refunded if the appeal is sustained in favor of the appellant. This section shall not apply to any citation or pending court action.

**(11) VALIDITY**

**(a) REPEAL OF CONFLICTING ORDINANCES.** All ordinances, resolution, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.

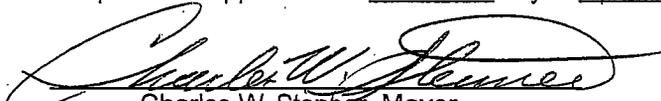
**(b) SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if in the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

**(c) AMENDMENTS.** The City, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

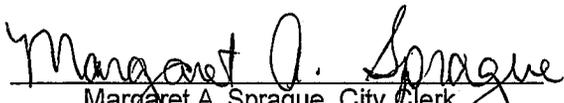
**(12) EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after its passage and publication of notice thereof as provided by law.

Adopted and approved this 10<sup>th</sup> day of November, 2008

  
Charles W. Stenner, Mayor

ATTEST:

  
Margaret A. Sprague, City Clerk

|                        |                 |
|------------------------|-----------------|
| Date Adopted:          | <u>11-10-08</u> |
| Date Recorded:         | <u>11-17-08</u> |
| Date Notice Published: | <u>11-20-08</u> |
| Date Effective:        | <u>12-15-08</u> |