

Chapter 13 – MUNICIPAL UTILITIES

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SUBCHAPTER I: GENERAL PROVISION

13.01 (JOINT LIABILITY FOR UTILITY BILLS)

The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the City.

13.02 (COLLECTION OF UTILITY BILLS IN ARREARS)

(1) AUTHORITY. All water and wastewater service charges unpaid and in arrears on October 1 of each year shall be collected in accordance with the procedure hereinafter provided pursuant to the authority granted in 66.069 and 66.076, Wisc. Stats., respectively.

(2) PROCEDURE.¹

(a) On or about October 1 of each year the Administrative Assistant shall furnish the Clerk-Treasurer a list of all unpaid utility bills, including penalties, which are in arrears, except those final bills taken between September 1 and October 1 of that year.

(b) On October 15 of each year the Clerk(c)Treasurer shall mail a notice of such arrearage by first class mail to the occupant and to the owner of the premises receiving such utility service.

(c) In the event any such utility bill is not paid by November 1 thereafter, the Clerk-Treasurer shall add a penalty of 10%.

(d) In the event any such utility bill is not paid on or before November 15 thereafter, the Clerk-Treasurer, on November 16, shall place the amount of such arrearage, together with penalty, on the tax roll as a tax against the lot or parcel of real estate for which water and wastewater services were provided, except those charges that are less than \$10.00 which will revert back as arrearages on that account for the next succeeding billing period.

(HISTORY: Amended Ordinance 91-C, approved on March 5th 1991.)

13.03 (OUTDOOR WATER USAGE RESTRICTIONS)²

(1) The Water Utility Manager may impose voluntary or mandatory outdoor water usage restrictions on all water users in the City of Prairie du Chien under the criteria set forth below in order to avoid undue stress upon the resources and reserve capacity of the Water Utility. The restrictions may apply to all properties or to alternate sides of the street as the Water Utility Manager deems necessary. 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. Voluntary restrictions shall not apply to new lawns (either sod or seeded). Notice of said restrictions shall be given to all news media in the City of Prairie du Chien.

(2)

(a) Criteria For Voluntary Restrictions.

1. To maintain pumpage below a preset daily total amount, or

2. To comply with any electrical utility request for voluntary cutback in peak load electrical usage.

(b) Criteria for Mandatory Restrictions.

1. To avoid sustained low pressure (less than 20 pounds per square inch (PSI) to any customer) or

2. To maintain reservoir levels above preset fire reserve limits, or

3. To compensate for loss of one or more major wells due to mechanical failure.

13.04 (PERMIT REQUIRED FOR EXCAVATION OF CERTAIN LANDS)

(1) No person, firm, corporation, nor entity shall within the corporate boundaries of the City of Prairie du Chien disturb by means of excavation land one-half acre in size or more without first obtaining a permit from the City Administrator for the City of Prairie du Chien. Further, no such permit shall be issued until the applicant for same has filed with the City a Storm Water Management Plan that meets all the requirements as set forth by the Wisconsin Administrative Code and State Statutes, now in effect or hereafter created, for Storm Water Management Plans.

(2) Any person, firm, corporation, or entity violating the terms of this ordinance shall be subject to a fine of \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days.³

13.05 to 13.07 (Reserved)

SUBCHAPTER II: PRAIRIE DU CHIEN WATER UTILITY

13.08 (MANAGEMENT)

The Prairie du Chien Water Utility shall be managed by the Public Works Committee.

¹ Chapter 13.02 - Amended Ordinance 91-C

² Chapter 13.03 - Amended by Ordinance 91-15

³ Chapter 13.04 (2) - Amended by Ordinance 2009-03

13.09 (RULES AND REGULATIONS)

(1) GENERAL. The rules and regulations governing the operation of the Prairie du Chien Water Utility shall be those on file with and approved by the Wisconsin Public Service Commission. A violation of any such rules and regulations shall be a violation of this subchapter.

(2) OPERATING RULES.

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

(b) The applicable provisions of Wisconsin Administrative Code PSC 185 relating to water service are hereby adopted by reference and made a part of these rules as if set forth in full. A violation of such rules shall constitute a violation of this section and shall be punishable as provided in Section 13.12 of this subchapter.

13.10 (CROSS CONNECTION CONTROL ORDINANCE)

(1) That a cross connection shall be defined as any physical connection or arrangement between two (2) otherwise separate systems, one of which contains potable water from the City of Prairie du Chien water system, and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to other, the direction of flow depending on the pressure differential between the two (2) systems.

(2) That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from private, auxiliary or emergency water supply other than the regular public water supply of the City of Prairie du Chien may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of construction and use of such supply shall have been approved by the City of Prairie du Chien Water Department and by the Wisconsin Department of Natural Resources in accordance with Section NR 810.15, Wisconsin Administrative Code.⁴

(3) That it shall be the duty of the City of Prairie du Chien Water Department to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspection based on potential health hazards involved shall be as established by the City of Prairie du Chien Water Department and as approved by the Wisconsin Department of Natural Resources.

(4) That upon presentation of credentials, the representative of the City of Prairie du Chien Water Department shall have the right to request at any reasonable time to examine any property served by a connection to the public water system of the City of Prairie du Chien for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under § 66.0119, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) That the City of Prairie du Chien Water Department is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in (6). Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

(6) That if it is determined by the City of Prairie du Chien Water Department that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the City Administrator of the City of Prairie du Chien and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 120 days of such emergency discontinuance.

⁴ Chapter 13.10 (2) - Amended by Ordinance 2011-09

(7) That the City of Prairie du Chien adopts by reference the State Plumbing Code of Wisconsin being SPS (Wisconsin Department of Safety and Professional Service) 382, Wisconsin Administrative Code.⁵

(8) That this Ordinance does not supersede the State Plumbing Code and the City of Prairie du Chien Ordinance(s) but is supplementary to them.

13.11 (PRIVATE WELL ABANDONMENT)⁶

(1) PURPOSE. To protect public health, safety, and welfare and to prevent contamination of groundwater by assuring that unused, unsafe, or noncomplying wells or wells which may act as conduits for contamination of groundwater or wells which may be illegally cross-connected to the municipal water system, are properly maintained or abandoned under Section NR 810.16, Wisconsin Administrative Code.⁷

(2) APPLICABILITY. This ordinance applies to all wells located on premises served by the City of Prairie du Chien municipal water system. Utility customers outside the jurisdiction of the municipal system may be required under contract agreement or utility rule to adopt and enforce equivalent ordinances within their jurisdictions for purpose stated in Section 1 above.

(3) DEFINITIONS.

(a) “Municipal water system” means a community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district, or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.

(b) “Noncomplying” means a well or pump installation which does not comply with s. NR812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to s. NR 812.43, Wisconsin Administrative Code.

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

(d) “Unsafe” well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of chs. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

(e) “Unused” well or pump installation means one which is not used or does not have a functional pumping system.

(f) “Well” means a drill hole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.

(g) “Well Abandonment” means the proper filling and sealing of a well according to the provisions of s. NR 812.26, Wisconsin Administrative Code.

(4) ABANDONMENT REQUIRED. All wells on premises served by the municipal water system shall be properly abandoned in accordance with Section 6 of this ordinance by December 31, 2002, or not later than 90 days from the date of connection to the municipal water system, unless a valid well operation permit has been issued to the well owner by the City of Prairie du Chien under terms of Section 5 of this ordinance.

(5) WELL OPERATION PERMITS. Owners of wells on premises served by the municipal water system wishing to retain their wells for any use shall make application for a well operation permit for each well not later than 90 days after connection to the municipal water system. The City of Prairie du Chien shall grant a permit to a well owner to operate a well for a period not to exceed five (5) years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The City of Prairie du Chien or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant’s expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms by the Clerk. All initial and renewal applications must be accompanied by a fee of \$10.00. The following conditions must be met for issuance or renewal of a well operation permit:

⁵ Chapter 13.10 (7) - Amended by Ordinance 2012-01

⁶ Chapter 13.11 - Amended by Ordinance 2002-08

⁷ Chapter 13.11 (1) - Amended by Ordinance 2011-09

- (a) The well and pump installation shall meet the Standards or Existing Installations described in s. NR812.42, Wisconsin Administrative Code.
- (b) The well and pump shall have a history of producing safe water evidenced by at least two (2) coliform bacteria samples taken a minimum of two (2) weeks apart. In areas where the Department of Natural Resources has determined that groundwater aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (c) There shall be no cross-connections between the well's pump installation or distribution piping and the municipal water system.
- (d) The water from the private well shall not discharge into a drain leading directly to a public sewer utility unless properly metered and authorized by the sewer utility.
- (e) The private well shall have a functional pumping system.
- (f) The proposed use of the private well shall be justified as reasonable in addition to water provided by the municipal water system.

(6) ABANDONMENT PROCEDURES.

- (a) All wells abandoned under the jurisdiction of this ordinance shall be done according to the procedures and methods of s. NR 812.26, Wisconsin Administrative Code. All debris, pumps, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
- (b) The owner of the well, or the owner's agent may be required to obtain a well abandonment permit prior to any well abandonment and shall notify the Clerk at least forty-eight (48) hours in advance of any well abandonment activities. The abandonment of the well may be observed or verified by personnel of the municipal system.
- (c) An abandonment report form, supplied by the Department of Natural Resources shall be submitted by the well owner to the Clerk and the Department of Natural Resources within thirty (30) days of the completion of the well abandonment.

(7) PENALTIES. Any well owner violating any provision of this ordinance shall upon conviction be punished by a forfeiture of not less than \$25.00 nor more than \$100.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than thirty (30) days after receiving written notice of the violation, the municipality may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

13.12 (THAWING WATER PIPES)⁸

After a customer's water pipes have been thawed by the City Prairie du Chien the first time and after said customer has been given notice of corrective measures required, any subsequent pipe thawing shall be charged to the customer in conjunction with the next water and sewer bill at the rate of seventy-five (\$75.00) per hour. Such thawing may also be done by a private contractor at the customer's expense, provided said contractor has registered for said work with the City Prairie du Chien, has filed proof of insurance covering such activity and has been certified by the Superintendent of the Water Department for the City of Prairie du Chien as qualified to do such work. In the event the City requires a customer to allow his/her water to run to prevent freezing, said request shall be only for that period from January 10 to April 10 and said customer's water and sewer bill for that period January 10 to April 10 shall be so adjusted based on the actual usage for that period from October 10 to January 10 immediately preceding and said adjustment so calculated shall be reflected on that customer's water and sewer bill for that period of January 10 to April 10.

13.13 (WELLHEAD PROTECTION)⁹

(1) PURPOSE, AUTHORITY AND APPLICATION.

- (a) Residents in the City of Prairie du Chien depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection (WHP) Ordinance is to institute land use regulations and restrictions to protect the City's Municipal water supply and well fields and to promote the health, safety and general welfare of the residents of the City of Prairie du Chien.
- (b) Statutory authority of the City to enact these regulations has been established by Wisconsin Statutes. Under these statutes, the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

⁸ Chapter 13.12 - Amended by Ordinance 2012-19

⁹ Chapter 13.13 - Created by Ordinance 2011-09

(c) The regulations specified in this WHP Ordinance shall apply within the City's corporate limits.

(2) DEFINITIONS.

(a) AQUIFER. "Aquifer" means a saturated, permeable, geologic formation that contains and will yield significant quantities of water.

(b) CONE OF DEPRESSION. "Cone of depression" means the area around a well, in which the water level has been lowered at least one tenth of a foot by pumping of the well.

(c) FIVE YEAR TIME OF TRAVEL (TOT). "Five year time of travel" means the recharge area up gradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater and potential contaminants will take five years to reach a pumping well.

(d) RECHARGE AREA. "Recharge area" means the area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

(e) WELL FIELD. "Well field" means a piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(f) ZONE OF INFLUENCE. "Zone of influence" is the area encompassed within a calculated radius around a well, representing the area of a cone of depression that would develop after 30 days of continuous pumping at the well's capacity, assuming that there is no recharge to the groundwater.

(3) GROUNDWATER PROTECTION OVERLAY DISTRICT

(a) SEPERATION DISTANCES. The following separation distances as specified in NR 811.12 (6), Wisconsin Administrative Code, shall be maintained:

1. Fifty feet between a well and storm sewer main.

2. Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

3. Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce or its designated agent, now in effect or hereafter amended.

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a land spreading facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140, now in effect or hereafter amended, enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm. 10.10, Wis. Adm. Code, now in effect or hereafter amended; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(b) PERMITTED USES. The following uses are permitted uses within the Groundwater Protection Overlay District. Uses not listed shall be considered prohibited uses:

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this issue.

2. Playgrounds.

3. Wildlife areas.

4. Non-motorized trails, such as biking, skiing, nature and fitness trails

5. Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks.

6. Municipally sewered business development zoned B-1 or B-2, except for the following uses, provided same were not in existence at the time this Ordinance is passed and published:

a) Above ground storage tanks.

b) Asbestos product sales.

c) Automotive service and repair garages, body shops.

d) Blue printing and photocopying services.

e) Car washes.

- f) Equipment repair services.
- g) Laundromats and diaper services.
- h) Dry cleaning.
- i) Gas stations.
- j) Holding ponds or lagoons.
- k) Infiltration ponds.
- l) Nurseries, lawn and garden supply stores.
- m) Small engine repair services.
- n) Underground storage tanks.
- o) Wells, private, production, injection or other.
- p) Pesticide and fertilizer dealer, transfer or storage facilities.
- q) Landfills and any other solid waste facility.
- r) Rendering plants and slaughterhouses.
- s) Salvage or junk yards.
- t) Septage or sludge spreading, storage treatment.
- u) Septage, wastewater or sewage lagoons
- v) Wood preserving operations.
- w) Any other use determined by the City Zoning Administrator to be similar in nature to the above listed items.

(c) CLASSIFICATION OF USE. Classification of a use as being permitted or prohibited shall be determined by an application submitted to the Zoning Administrator. The application shall be in writing and shall describe in detail the use, activities and structures proposed along with the quantities, use of, storage and handling of all regulated substances. A scale site map showing all buildings and structure footprints, driveways, loading docks, sidewalks, parking lots, storage yards and any other information deemed necessary for determination. In case of questions as to the classification of proposed use, the application shall be forwarded to the City Plan Commission for determination in accordance with the following procedure:

1. Application: The above described application shall be submitted to the Zoning Administrator. The application will be then forwarded to the City Plan Commission, by the committee chair. The City Plan Commission may request additional information as deemed necessary to facilitate a determination.
2. Investigation: The City Plan Commission shall make or have made such investigation in order to compare the nature and characteristics of the proposed use with those that are permitted or provisional.
3. Determination: The City Plan Commission shall determine the use as being permitted or prohibited. The determination of the City Plan Commission shall be rendered in writing within 60 days from receiving all requested information and shall include findings supporting the conclusion.

(4) REQUIREMENTS FOR EXISTING FACILITIES AND LAND USERS

- (a) Upon request of the Zoning Administrator, existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environment results to the City.
- (b) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City, which may include but is not limited to storm water runoff management and monitoring.
- (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies in existence.
- (d) Existing facilities shall have the responsibility of devising and/or filing with the City of Prairie du Chien, a contingency plan satisfactory to the Public Works Committee for the immediate notification of the appropriate City of Prairie du Chien officers in the event of an emergency.

(5) ENFORCEMENT AND PENALTIES

- (a) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist and provide clean-up satisfactory to the City of Prairie du Chien.
- (b) The individual/facility shall be responsible for all costs of clean-up and the City of Prairie du Chien consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, including all of the following:

1. The cost of City employees' time associated in any way with the clean-up based on the hourly rate paid to the employees multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits.
 2. The cost of City equipment employed.
 3. The cost of mileage reimbursed to the City employees attributed to the clean-up
- (c) Following any such discharge, the City may require additional test monitoring at the expense of the individual/facility responsible for the release of any contaminants which are within a Groundwater Protection Overlay District.
- (d) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. The City of Prairie du Chien may, in addition to any other remedy, seek an injunction or restraining order against the party alleged to have violated any provision of this Ordinance, the cost of which shall be charged to the defendant in such action.
- (e) Penalties: Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than One Hundred and 00/100 Dollars (\$100.00) nor more than Five Hundred and 00/100 Dollars (\$500.00) plus the costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days, or in the alternative shall have such costs added to their real estate property tax bill as lien against the property. Each day a violation exists or continues shall constitute a separate offense.

13.14 to 13.15 (Reserved)

13.16 (PENALTY)¹⁰

Any person who shall violate any provision of this subchapter or any order, rule or regulation thereunder shall be subject to a penalty as provided in Sec. 25.04 of this Code.

SUBCHAPTER III: PRAIRIE DU CHIEN WASTEWATER UTILITY

13.17 (MANAGEMENT)

- (1) The Prairie du Chien Wastewater Utility shall be managed by the Public Works Committee.
- (2) Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (3) Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Statutes of the State of Wisconsin.
- (4) Severability of Ordinance Provisions. If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.
- (5) Repeal. All other ordinances or parts of ordinances of the City inconsistent or conflicting with the Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (6) Effective Date. This ordinance shall take effect on passage, approval, and publication (January 15, 2003).

13.18 (SEWER USE, REGULATIONS AND CHARGES)

SECTION I – DEFINITIONS

- (1) APPROVING AUTHORITY: The Approving Authority shall mean the Common Council of the City of Prairie du Chien. City shall mean City of Prairie du Chien.
- (2) BOD: BOD (denoting Biochemical Oxygen Demand) shall mean the quantitative determination of five (5) day BOD made in accordance with the latest edition of Standard Methods.

¹⁰ Chapter 13.16 - Amended by Ordinance 2009-01

- (3) **BILLABLE BOD:** Billable Biochemical Oxygen Demand (BOD) shall mean a user's loading in pounds of BOD calculated using the billable flow and concentration of BOD in the waste as determined by the Public Works Committee. Average waste strength of BOD shall be the domestic waste concentration of 200 milligrams per liter for the purpose of billing for user charges.
- (4) **BILLABLE FLOW:** Billable Flow shall mean a monitored sewage flow or a user's recorded tri-annually water usage as metered by the appropriate water utility, plus metered water from wells and other sources and less any sewer-exempt metered data. Residential users on unmetered wells and users with no history of billable flow shall have their billable flow estimated by averaging the billable flow of other residential users of the same class.
- (5) **BILLABLE SUSPENDED SOLIDS:** Billable Suspended Solids (SS) shall mean a user's loading in pounds of SS calculated using the billable flow and concentration of SS in the waste as determined by the Public Works Committee. Minimum waste strength of SS shall be the domestic waste concentration of 250 mg/l milligrams per liter for the purpose of billing for user charges.
- (6) **BUILDING DRAIN:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (7) **BUILDING INSPECTOR:** Building Inspector of the City or any person with whom the City has contracted with to perform building inspections.
- (8) **BUILDING SEWER:** Building Sewer – Sanitary shall mean the extension from the building drain to the public sewer or other place of disposal and conveys only sanitary or industrial sewerage. This is also known as a house connection.
- (9) **CLASS OF USERS:** Class of Users means the division of wastewater treatment customers by waste characteristics and process discharge similarities or function, such as residential, commercial, institutional, or industrial.
- (10) **COLLECTION SEWERS:** The Collection of Sewers are the sanitary sewer and manholes maintained by the City of Prairie du Chien.
- (11) **DEPRECIATION:** Depreciation shall mean the annual operating cost reflecting capital consumption.
- (12) **EASEMENT:** Easement shall mean an acquired legal right to install and maintain a portion of the sewer system.
- (13) **FIXED CHARGE:** The fixed or meter charge shall be used for debt retirement only.
- (14) **FLOATABLE OIL:** Floatable Oil shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the City.
- (15) **FORCEMAIN:** Forcemain shall mean the discharge line from any lift station maintained by the City of Prairie du Chien.
- (16) **GARBAGE:** Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the commercial handling, storage, and sale of produce.
- (17) **GROUND GARBAGE:** Ground Garbage shall mean the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch in any dimension.
- (18) **INDUSTRIAL WASTES:** Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial or manufacturing establishment or process or from the development, recovery or processing of natural resources. Industrial wastes, under this section, shall include discharges from an Division D. Manufacturing user of the sanitary sewer system identified in the Standard Industrial Classification Manual, current edition, Office of Management and Budget, as amended and supplemented. A user in the Divisions

listed may be excluded from industrial waste classification if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

(19) INFILTRATION: Infiltration shall mean the water unintentionally entering the public sewer system, including sanitary building drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from inflow.

(20) INFLOW: Inflow shall mean the water discharge into a sanitary sewer system, including building drains and sewers from such sources as, but not limited to the following: roof leaders, cellar, yard, and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and/or combined sewer, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguishable from, infiltration.

(21) NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(22) OPERATION AND MAINTENANCE COSTS: Operation and Maintenance Costs shall include all costs, direct and indirect, not including debt service but inclusive of expenditures attributable to administration, replacement of equipment, and treatment and collection of wastewaters, necessary to insure adequate wastewater collection and treatment on a continuing basis which conforms to applicable regulations and assures optimal long-term facility management.

(23) pH: pH shall mean the term used to express the intensity of the acid or base condition of a solution, calculated by taking the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

(24) PRETREATMENT: Pretreatment shall mean the treatment of industrial sewage from privately owned industrial sources by the generator of that source prior to introduction of the waste effluent into a publicly owned treatment works.

(25) PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights and is controlled by approving authority.

(26) REPLACEMENT COSTS: Replacement Costs shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

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

(28) SEWAGE: Sewage shall mean the combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, including polluted cooling water and unintentionally admitted infiltration/inflow.

a) Sanitary Sewage shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

b) Industrial Sewage shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment and shall include the wastes from pretreatment facilities and polluted cooling water.

c) Combined Sewage shall mean wastes, including sanitary sewage, industrial sewage, storm water, infiltration, and inflow carried to the wastewater treatment facilities by a combined sewer.

(29) SHALL: Shall is mandatory; May is permissible.

(30) SLUG: Slug shall mean any discharge of water, sewage, or industrial waste in concentration of any given constituent or in quantity of flow which exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(31) STANDARD METHODS: 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, and the Federation of Sewage and Industrial Wastes Association.

(32) STORM SEWER: Storm sewer shall mean a sewer that carries storm, surface, and ground water drainage but excludes sewage and industrial wastes.

(33) SUSPENDED SOLIDS: Suspended Solids (SS) shall mean solids that either float to the surface of, or are in suspension in, water, sewage, or industrial waste and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in “Standard Methods”.

(34) TOXIC AMOUNT: Toxic Amount shall mean concentration of any pollutant or combination of pollutants which upon exposure to, or assimilation into, any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standard issued pursuant to Section 207(a) of Public Law 92-500 as amended.

(35) USER CHARGE SYSTEM: User Charge System shall mean the system of charges levied on users for the cost of operation and maintenance, including replacement reserve requirements on new and old wastewater collection and treatment facilities.

(36) WASTEWATER: Wastewater shall be synonymous with sewage and shall mean the water carries human, animal, and household wastes in a public or private drain, and may include ground water infiltration, surface drainage, and industrial wastes.

(37) WASTEWATER TREATMENT PLANT: Wastewater Treatment Plant shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and to dispose of the effluent and accumulated residual solids.

(38) WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently.

SECTION II – USE OF THE PUBLIC SEWERS

(1) SANITARY SEWERS

- a) No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, ground water, roof runoff, cooling water, or unpolluted water into any sanitary sewer.
- b) It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of this City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent.
- c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- d) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the City is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section, within 90 days after date of official notice to do so.

(2) STORM SEWERS. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Approving Authority. Industrial cooling water or unpolluted processed waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet. Such approval is subject to review by the Department of Natural Resources, Division of Environmental Protection of the State of Wisconsin.

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

- a. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public services:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas, mercury or an alloy containing mercury.¹¹
 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 plant.
 3. Any waters or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operations of the proper operation of the wastewater facilitates such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rages, feathers, tar, plastics, wood unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, sanitary napkins, etc., either whole or ground by garbage grinders.
- b. The following described substances, materials, waters or waste shall be limited in discharges to the city wastewater system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, will not result in violation of the City's WPDES permit, or will not otherwise endanger lives, limb, pubic property or constitute a nuisance. The Wastewater Treatment Superintendent may set limitations lower than any limitations established in the regulations below if, in the Wastewater Treatment Plant Superintendent's opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Wastewater Treatment Plant Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat ability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Wastewater Treatment Plant Superintendent are as follows:
1. Wastewater having a temperature higher than 150 degrees F (65 degrees C.).
 2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils or product of mineral oil origin.
 3. Wastewater containing oils, fat, grease, wax or any other similar substance which float or solidify in the wastewater facilities.
 4. Any garbage that has not been property shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
 5. Any waters or wastes containing excessive amounts of aluminum, cadmium, copper, lead, mercury, selenium, silver, chromium, zinc and similar objectionable or toxic substances.
 6. Any waters or wastes containing odor-producing substances.
 7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any State of Federal regulations.
 8. Quantities of flow, concentrations, or both, which constitute a slug.
 9. 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 other agencies having jurisdiction over discharge to the receiving waters.
 10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system of create a condition deleterious to structures and treatment processes.
- c. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in paragraph (b) above, and which, in the judgment of the Wastewater Treatment Plant Superintendent, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Wastewater Treatment Plant Superintendent may:

¹¹ Chapter 13.18, Section II (3) (a) (1) - Amended by Ordinance 2010-03

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or,
4. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this section. When considering the above alternatives, the Wastewater Treatment Plant Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Wastewater Treatment Plant Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Wastewater Treatment Plant Superintendent.

d. Grease, oil and sand interceptors shall be provided in accordance with Comm. 82.34 for the proper handling of liquid wastes containing floatable grease or other substances specified in paragraph B, (3), above, 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 Wastewater Treatment Plant Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In 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 which are subject to review by the Wastewater Treatment Plant Superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms. Grease and fat emulsifiers are prohibited in accordance with Comm. 82.34(s). All persons, corporations, or entities that engage in the placement or removal of amalgam restorations shall no later than July 31, 2010, have installed, on or at the location that the above activity is performed, a mercury separator. Further, all mercury that is captured by the mercury separator must be disposed of or recycled in such a manner that none of the mercury so captured enters the sanitary sewer system operated by the City of Prairie du Chien, Wisconsin. Further, all persons, corporations, or entities covered by this subsection shall be required to file with the City Administrator for the City of Prairie du Chien no later than January 31 of 2011 and each January 31 thereafter an annual report, for the preceding calendar year of all materials hereunder captured and the method used to dispose of or recycle same. Said annual report shall be filed as above required on forms provided by the City of Prairie du Chien. Violation of any provision of this subsection shall subject the violator to penalty as set forth in subsection n) below.¹²

e. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

f. When required by the Wastewater Treatment Plant Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by Wastewater Treatment Plant Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

g. The Wastewater Treatment Plant Superintendent may require a user of sewer services to provide information needed to determine compliance with this section. These requirements may include the following:

1. Wastewater discharge peak rate and volume over a specified time period.
2. Chemical analyses of wastewaters.
3. Information on raw materials, processes and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
5. A plot plan of sewers for the user's property showing sewer and pretreatment facility locations.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for

¹² Chapter 13.18, Section II (3) (d) - Amended by Ordinance 2010-13

the Examination of Water and Wastewater”, published by the American Public Health Association and 40 CFR 136. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Wastewater Treatment Plant Superintendent.

i. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength of character may be accepted by the City for treatment subject to payment therefore at rates established in this section.

j. Accidental Discharges – The accidental discharge of any prohibited waste into any sewer shall be reported to the Wastewater Treatment Plant Superintendent by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the treatment plant.

k. Deduct/Yard Meters – In the event that a person discharging waste into the public sewers produces evidence satisfactory to the Wastewater Treatment Plant Superintendent that significant amounts of the total annual volume of water used for all purposes does not reach the sanitary sewer, the person may be permitted to have a deduct/yard water meter installed. Said meter shall be furnished by the Water Department and installed by the customer. All other costs shall be at the expense of the person requiring the meter, including any piping revisions required to insure that only water not reaching the sanitary sewer is metered by the deduct-yard meter. The charge for the deduct/yard meter is set forth in the PSC water rate determination. The amount of deduct/yard water metered shall be subtracted from the total amount of water used by the person to determine the applicable wastewater service charge.

l. Protection From Damage – No unauthorized 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 person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

m. Powers and Authority of Inspection - The Wastewater Treatment Plant Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent of discharge to the community system in accordance with the provisions of this section.

1. The Wastewater Treatment Plant Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

2. While performing the necessary work on private properties referred to in paragraph (M) above, the Wastewater Treatment Plant Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against loss or damage to this property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required above.

3. The Wastewater Treatment 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

n. Penalties.

1. Any person found to be violating any provision of this section, except sub (1) above , shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Any person who shall continue any violation beyond the time limit provided for in paragraph (1) above shall, upon conviction thereof, pay a forfeiture in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this section shall become liable to the city and others, as their interests may appear, for any expense, loss or damage occasioned the City or others by reason of such violation, including any costs in connection with repairing damages to the wastewater facilities or any downstream user or facilities damaged as a result of a prohibited discharge or any other violation of this section.

(4) DISCHARGE OF CLEAR WATER REGULATED. No person shall discharge or cause to be discharged any storm water or clear water drains of any kind, including subsoil drains, building drains, tile drains, down spouts from roof gutters, surface drains, drains from any mechanical device, ditches, pipes, conduits, sump pumps or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging clear waters into a sewer designed or designated as a sanitary sewer, and all of said waters shall be discharged into a storm sewer wherever possible; provided, however, that no such discharge into a storm sewer shall be permitted between November 30 and March 31 of each year, unless connected by underground laterals. During such period and where no storm sewer is available, such water may be discharged onto the owner's lawn or into an underground conduit leading to a drainage ditch, but not such discharge shall be allowed or permitted to flow on or across any public street, sidewalk or right of way.

(5) PENALTY. In addition to the penalties otherwise specifically provided, any person who shall violate any provision of this subchapter or any order, rule or regulation there under shall be subject to a penalty.

SECTION III – PRETREATMENT

(1) The Approving Authority may require a user to eliminate his waste discharge or pretreat to a level acceptable to the authority. Pretreatment may involve the following: Any amount of the following constituents exceeding that listed below and contained in NR 211.10:

	Mg/l		Mg/l
Aluminum	800.00	Cyanide	1.2
Arsenic	0.25	Fluorides	2.5
Barium	2.0	Iron, Total	56.0
Boron	1.0	Lead	1.5
Cadmium	2.0	Magnanese	1.0
Chlorides	700.00	Mercury	0.0005
Chromium, Total	21.8	Nickel	6.7
Chromium (Hexavalent)	3.6	Phenols	0.3
Copper	17.6	Selenium	1.0
Silver	0.1	Sulfates	50.0
Total Solids	1500.00	Zinc	16.5

(2) Phosphates and ammonia nitrogen in such an amount as would cause the plant to be in noncompliance with regulations of the State of Wisconsin Department of Natural Resources.

- a. Grease, oil and sand retainers.
- b. Rate of discharge control.
- c. Equalization or neutralization.
- d. Flow measurement.
- e. Sampling equipment and manholes.
- f. Manhole connection to sewer main.
- g. Mechanical pretreatment units for removal of BOD, SS, oil, grease, solids, etc.

All costs for pretreatment including installation, operation, lab testing, and maintenance shall be the responsibility of the user.

(3) No preliminary treatment plant and facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance shall conform to all City, State of Wisconsin Department of Natural Resources (NR 211) and any other local, state, or federal agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from State of Wisconsin Department of Natural Resources and any other local, state, or federal agency having regulatory authority with respect thereto.

(4) All such preliminary treatment facilities, as required by the Ordinance, shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby and at the user's expense.

(5) No provisions contained in the Ordinance shall be construed to prevent or prohibit a separate or special contract or agreement between the City and industrial user whereby industrial waste and material of unusual strength, character, or composition may be accepted by the City for treatment, subject to additional payment therefore by the industrial user; provided however, that such contract or agreement shall have the prior approval of the City and also provided user charges are proportional to cost of providing the service.

(6) The City reserves the right to reject admission to the system of any waste harmful to the treatment or collection facilities or to the receiving stream.

SECTION IV – PRIVATE SEWAGE TREATMENT

(1) Where a public sanitary sewer is not available under the provision above, and with the approval of the Council, any building sewer shall be connected to a private wastewater disposal system complying the provision of this subsection.

(2) Before commencement of the construction of a private wastewater disposal system or additions to an existing private wastewater disposal system, the owner shall first obtain a written permit from the Building Inspector.

(3) The type, capacity, location and layout of a private wastewater disposal system shall comply with all requirements of the Wisconsin Department of Health and Social Services.

(4) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the City.

(5) No statement contained in this subsection shall be construed to interfere with any additional requirements that may be imposed by the City Health Officer.

(6) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided above, the building sewer shall be connected to said sewer within 90 days and the private wastewater disposal system shall be cleaned of sludge and filled with sand, gravel or similar material.

SERVICE V – SERVICE OF OUTLYING TERRITORY

(1) The approving Authority may allow service of sanitary sewer to areas outside the corporate limits upon resolution from the council. Users outside of the limits shall comply with all segments of the Ordinance. All costs for extension shall be borne by the user.

(2) **BUILDING SEWERS, CONNECTIONS AND DISCONNECTIONS:** No unauthorized person shall uncover, make any connections or disconnections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a permit from the Building Inspector.

(3) The owner or the owner's agent shall make application on a special form furnished by the Building Inspector. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Building Inspector. A permit and inspection fee of \$25 shall be paid to the City at the time of application is filed.

(4) The permit and inspection fee shall apply for all laterals including the City of Prairie du Chien, the Town of Bridgeport, and the Town of Prairie du Chien.

(5) In addition to the inspection fee, a sewer hookup charge of \$250 shall apply to all hookups in the City of Prairie du Chien. Failure to comply with this selection will be considered a violation and subject to forfeiture of \$500.

(6) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(7) A separate and independent building sewer shall be provided for every building intended for human habitation or occupancy.

- (8) Existing building sewer may be used in connection with new buildings only when they are found, on examination, to meet all requirements of this section.
- (9) All existing sewer laterals shall be televised prior to use.
- (10) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of this Code or other applicable rules and regulations of the City.
- (11) Roof leaders, swimming pool drains, surface drains, ground water drains, foundation footing drains and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private wastewater treatment plant. All such connections existing at the time of passage of this section shall thereafter be illegal. If storm water or clear water is being discharged into a sanitary sewer, the Wastewater Treatment Plant Superintendent shall give the offending person 15 days' notice to disconnect. Failure to disconnect after such notice shall authorize the Wastewater Treatment Plant Superintendent to cause disconnection and assessment of the costs of such disconnection against the property involved. The Wastewater Treatment Plant Superintendent may, in the alternative, institute action for violation of this paragraph.
- (12) The connection or disconnection of the building sewer into the public sewer shall conform to the requirements of this Code or other applicable rules and regulations of the City.
- (13) The applicant for the building sewer permit shall notify the Building Inspector and utility personnel when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Building Inspector or utility personnel.
- (14) All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (15) In order to levy a special assessment upon the area benefited, all collector and interceptor sewers shall be constructed by the City.

SECTION VI – SEPTIC TANK HAULERS

Septic tank haulers shall obtain a permit from the Wastewater Treatment Plant Superintendent prior to discharging into the municipal system. The permit is for domestic seepage and holding tank waste. No other wastes will be accepted without prior approval of the Wastewater Treatment Plant Superintendent. Haulers will pay the sewer utility a fixed fee plus a charge for each 1000 gallons discharged as set forth in the User Charge.

SECTION VII – SEWER USE CLASSIFICATION

- (1) **TYPICAL USERS.** Typical users are the single family residence, duplex, and multi-family housing without central cooking. Pollutant concentrations are BOD – 200 mg/l and S.S. -250 mg.l.
- (2) **COMMERCIAL.** Commercial users shall mean, for the purpose of the user charge system, a user engaged in the purchase or sale of goods, services, or any business transactions whose wastewaters generated are more than typical domestic sewage.
- (3) **INSTITUTIONAL.** Institutional users shall mean for the purpose of the user charge system, a user whose wastewaters are generated from institutional activities. Typical institutional users are hospital, nursing homes, and schools. Pollutant concentrations are BOD – 200 mg/l and S.S. – 250 mg/l.
- (4) **INDUSTRIAL.** Industrial user shall mean for the purpose of the user charge system, any user whose wastewaters are generated from the production of products from materials or material handling. A typical industrial user is a factory, slaughter house, milk transfer, or cheese factory. Pollutant concentrations are to be established by the Approving Authority.
- (5) **SIGNIFICANT INDUSTRIAL USERS.** Significant industrial users are those users whose wastewater generations exceed 10% of the design flow, design BOD, or design suspended solids loading for the plant more

than 10 times per year, or have a wastewater that has a detrimental effect on the plant operation and performance. The significant industrial user will be required to acquire a discharge permit, monitor their discharges from flow, BOD, SS, and any other parameter established by the Approving Authority. The Approving Authority reserves the right to add or delete monitoring parameters and frequency. Each user is listed below along with wastewater treatment allotments. If a significant industrial user exceeds the allocation allotment, he shall be charged as detailed in this Ordinance.

Name	Address	Discharge Allotment		S.S. #/d
		Flow GPD	BOD #/d	
3M Plant 2	North Marquette Road	250,000	300	135

(6) Penalties for exceeding the allotments by the listed significant industrial users shall not be less than five (5) times the rate for each parameter. Penalties will be assessed for each day the allotments are exceeded (week, if samples are collected weekly). If allotments are exceeded more than five (5) days per month, the Approving Authority shall determine if the discharge permit be revoked. The City reserves the right to inspect the monitoring equipment, sampling equipment, holding tank, etc., as to assure compliance with the permit. The City also reserves the right at any time to split wastewater samples with the permit holder to compare values of BOD(5) suspended solids or any other parameter listed in the permit. The City value will govern in case of any discrepancy.

SECTION VIII – CONDITIONS FOR DISCHARGE

(1) Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any waters or wastes having:

- a. A BOD greater than 200 mg/l,
- b. A suspended solids concentration greater than 250 mg/l,
- c. A chlorine requirement greater than 25 mg/l, or
- d. A total sulfate concentration greater than 50 mg/l.

(2) Within three (3) months after passage of this ordinance, significant industrial users who discharged industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quality and characteristics of the wastes discharged to the wastewater treatment plant.

(3) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(4) When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed, a request for extension of time may be presented for consideration of the Approving Authority.

(5) 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.

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

(7) 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 Approving Authority prior to the beginning of construction.

(8) The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown by the Water Department or flow recording data. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person discharging the waste. The flow metering device shall be calibrated on a semi-annual basis by an independent certified technician and a report shall be sent to the

wastewater treatment plant superintendent detailing the calibration. The City reserves the right to conduct an independent calibration of the meter at any time. The cost of the calibration will be paid by the discharger. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

(9) Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determinations shall be made as often as may be deemed necessary by the Approving Authority. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority.

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

(11) Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternate methods for certain analysis of industrial wastes may be used subject to mutual agreement between the Approving Authority and the person discharging wastes.

(12) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his agent, as designated and required by the Approving Authority and the person discharging wastes.

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

(14) If any waters or wastes are discharged or proposed to be discharged to the public sewers, or contain substances or possess the characteristics which in the judgment of the Approving Authority. The City may also make its own analysis on the wastes and these determinations shall be binding as a basis for charges.

(15) If any waters or wastes are discharged or proposed to be discharged to the public sewers, or contain substances or possess the characteristics which in the judgment of the Approving Authority may have deleterious effect upon the sewage works, processes, equipment, or receiving waters, or otherwise create a hazard to life or health, or constitute a public nuisance the Approving Authority may:

- a. Reject the wastes.
- b. Require pretreatment to an acceptable condition for discharge to the public sewers.
- c. Charge the discharger for all additional costs associated with bringing the wastewater treatment plant back into normal operation.

SECTION IX – DAMAGE OR TAMPERING WITH SEWAGE WORKS

No unauthorized 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 sewage works. Any person(s) violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

SECTION X – VIOLATIONS AND PENALTIES

(1) **WRITTEN NOTICE OF VIOLATIONS.** Any person, partnership, or corporation or any officer, agent or employee thereof who shall continue any violation beyond the aforesaid notice time limit provided shall, upon conviction thereof, forfeit not more than \$500 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 thirty (30) days. Each day in which any violation is continued beyond the aforesaid notice time limit shall be deemed a separate offense.

(2) **LIABILITY TO THE CITY FOR LOSSES.** Any person violating any provisions of this Ordinance 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.

(3) DIFFERENCES OF OPINION. The Approving Authority shall arbitrate differences between the Approving Authority and sewer users on matters concerning interpretation and execution of the provisions of this Ordinance by the Approving Authority.

SECTION XI – DISCHARGE PERMITS

(1) Commercial and industrial classification codes set forth in the Standard Industrial Classification Manual, the most current edition, as amended and supplemented, are adopted by the City as the basis for the issuance of discharge permits for building connections to a sewer.

(2) The application for a discharge permit shall be made on a form provided for the purpose by the City and shall be fully completed under oath by the property owner, user, or a duly authorized and knowledgeable officer, agent or representative thereof and acknowledged. If requested the person making application shall also submit such scientific or testing data or other information as may be required by the engineer of the City. The Approving authority shall also have, at its discretion, the right to personally inspect the premises, equipment, materials, and laboratory testing facilities of the applicant. No fee shall be charged for a discharge application permit.

(3) No discharge permit shall be issued by the city to any person whose discharge of material to sewers, whether shown upon the application or determined after inspection and testing conducted by the Approving Authority, is not in conformance with federal, state, or city statutes, ordinances, rules, and regulations, unless a waiver or variance of such standards and requirements is granted by the City of Prairie du Chien in the manner hereinafter set forth. The City of Prairie du Chien shall state in writing the reason or reasons for denial or requirement for waiver variance and said written communication shall be mailed or personally delivered to the applicant within five (5) days after denial.

(4) In the event the type or volume of material from property for which a discharge permit was previously granted shall materially and substantially change, the person granted such permit previously shall make a new application to the City in the same manner and form as originally made.

(5) If the application for a new permit or for one because of change in the type or volume of material discharged is denied by the City of Prairie du Chien, or if the discharge indicated from the permit application or inspection is not in accordance with the requirements of this Ordinance and a waiver or variance is required, the user may have the Approving Authority review the denial or may request waiver variance, provided the user shall give written notice of his request within thirty (30) days after receiving the denial. The Approving Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant and Approving Authority shall present at its next regular meeting following receipt of request for its review and the decision of the Approving Authority rendered publicly at said meeting shall be final.

(6) Should any discharge of material to a sewer materially and substantially differ in type and volume than shown in the application and permit, the person and user shall immediately, upon order of the Approving Authority, cease and desist from such discharge and shall also be subject to disconnection, fine, and other penalties provided by this Ordinance.

(7) A grant of waiver or variance by the City may set forth such conditions, exceptions, time limitations, durations, and expirations as the city deems necessary and proper.

SECTION XII – WASTEWATER TREATMENT CHARGES

(1) ALL USERS. The basic wastewater treatment bill to be paid by all users shall consist of user charges for operation, maintenance, and replacement using the unit charges from this Ordinance and user charges for billing and collection. The unit charges shall be applied to user's billable flow, BOD, and S.S., respectively. No user shall pay less than the rate for normal domestic sewage.

(2) The municipality will maintain the proportionate distribution of operation, maintenance, and replacement cost amongst user classes.

(3) The City will generate sufficient revenues to pay the operation, maintenance, and replacement cost. The City will apply excess revenue collected from operation, maintenance and replacement cost for the next year.

(4) Users discharging toxic pollutants shall pay for any increased operation, maintenance, and replacement cost caused by the toxic pollutant. Users will be notified annually of proportion of user charges attributable to the wastewater treatment services.

(5) WASTEWATER SERVICES CHARGES: Normal Sewage Service Charge - There is hereby levied and assessed upon each lot or parcel of land with a building having a lateral available to discharge normal sewage to the public sewer system a wastewater service based upon rates established by the Council. Said charges shall be assessed and collected quarterly. If commercial or industrial customers obtain all or any part of their water from sources other than the public Water Utility, all or any part of which is discharged into the public sewers, the customer shall be required to have a water meter or meters installed for the purpose of determining the volume of water obtained from these other sources. Should the Wastewater Treatment Plant Superintendent determine that the water usage is too small to justify a meter, the Wastewater Treatment Plant Superintendent shall have the authority to waive this requirement and a flat rate shall be charged based on estimated water usage and the metered rate schedule. The water meters shall be furnished by the Wastewater Treatment Facilities and installed by the customer. All other costs in connection with the water meter installation shall be at the expense of the customer.

(6) If residential customers obtain all or part of their water from sources other than the public water utility, all or any part of which is discharged into the public sewers, a flat rate charge shall be paid for wastewater service. Should the Wastewater Treatment Plant Superintendent determine that the minimum flat rate charge is less than the charge would be on a metered basis, the Wastewater Treatment Plant Superintendent shall have the authority to set a higher rate based on estimated total usage and the metered rate schedule. Should the residential customer request it, a water meter shall be installed and the customer shall be charged on the same basis as commercial or industrial customers having private water supplies.

(7) COMMENCEMENT OF RATES: The rates set forth shall take effect upon the issuance of a certificate of occupancy and discontinued upon disconnection except for the service charge.

(8) RESPONSIBLE PARTIES: The party receiving the service and the party whose name appears on the billing shall be jointly and severally responsible to pay the charges for water and sewer notwithstanding any court order or judgment which the City was not a party to.

(9) The user charge system shall take precedence over pre-existing agreements inconsistent with the governing regulations of this program.

(10) SPECIAL CIRCUMSTANCES SERVICE CHARGE: Notwithstanding the above each lot or parcel of land having a house or building occupied or unoccupied having a lateral available to discharge normal sewage into the public sewer system which for any reason is not hooked up to the city system shall be charged the following rate: Minimum charge by meter size. Notwithstanding the above each lot or parcel of land having a house or building that is unoccupied for a majority of any billing period and not having available a lateral to discharge normal sewage into the public sewer system and no metered water shall be charged quarterly the average residential or unmetered charge.

(11) ABNORMAL OR FAULTY CHARGES: Any abnormalities caused by faulty equipment, meter and/or inability to get a meter reading or a correct water meter reading, the City Administrator may use a fair and just method for calculation of any such bill during any three (3) month billing cycle. Said calculation shall be arrived at as follows: In the event the customer has not, prior to the billing period in question, received a water and sewer bill for that location for a period that coincides on a calendar basis with the present billing from the period in question shall be the same as that period that occurred one year earlier.

(12) ACCIDENTAL OVER-USE OF WATER: No adjustment shall be allowed on water bills for over-use of water which is metered by the City of Prairie du Chien, except under the following circumstances:

(a) The customer must show to the satisfaction of the City Administrator for the City of Prairie du Chien that the over usage was the result of a leak in that part of the water system that is the responsibility of the user to maintain, more specifically, from the curb stop to and within the user's home, place of business, or other structure or place served by metered City water.

(b) The customer must show to the satisfaction of the City Administrator for the City of Prairie du Chien that the leak has been repaired by a licensed plumber.

(c) All of the above must be shown to the satisfaction of the City Administrator for the City of Prairie du Chien within the billing period immediately following the billing period for which the credit is being requested. Failing any of the above, no credit shall be allowed. Further, any amount not paid by November 1st of the year in which it was incurred shall be placed on the property tax roll for the year in which it was incurred.¹³

(13) WAIVER CONNECTION AND DISCONNECTION FEE: In the event the City makes any connection or disconnection to the City's Sanitary Sewer System all necessary permits for same shall be waived.

(14) OUTLYING USERS: The City will charge outlying users at a negotiated rate. The rate will be based upon actual treatment and collection costs for the area served. (No surcharge will be placed upon O & M costs.) The following are Sanitary Districts and Utility Districts served:

TOWN OF BRIDGEPORT SANITARY DISTRICT #1. Bridgeport shall pay at a rate of 89.4% of the flow charges plus a residential meter charge. This is based upon a 1987 agreement and shall be reviewed each five years or at the time of an overall rate increase. The Bridgeport Sanitary District #1 will do all maintenance of solely owned sewer lines, manholes and lift stations.

TOWN OF PRAIRIE DU CHIEN UTILITY DISTRICT #1. The Town of Prairie du Chien Utility District #1 will be charged at the city rate plus actual maintenance charges of the towns collection system.

TOWN OF PRAIRIE DU CHIEN UTILITY DISTRICT #2. The Town of Prairie du Chien Utility District #2 will be charged at the city rate plus actual maintenance charges of the town collection system.

(15) INDUSTRIAL USERS: In addition to the basic wastewater treatment bill described in the Ordinance for the user charge system, wastewater treatment bills for industrial and commercial users shall consist of industrial waste monitoring charges as described in the Ordinance.

(16) The City shall periodically sample and analyze wastes from significant users in each industrial and commercial user classification to determine the BOD and S.S. strengths of the wastes and these results shall be used as representative of wastes from all users in that classification for billing purposes unless the user's waste is classified by the Approving Authority as having special problems. Significant industries with wastes classified by the Approving Authority as having special problems shall install, at the industry's own cost, a structure located on the building service line with flow measurement and sampling devices as required by the Approving Authority to obtain exact information about the waste.

(17) ASSESSMENT: The City reserves the right to assess the cost of studies, design fees, construction costs for wastewater treatment plant modifications and additions to significant users. The assessment will be based upon cost of the construction directly attributed to the user and determined by actual construction costs.

SECTION XIII - WASTEWATER TREATMENT PLANT BILL

(1) BILLING PERIOD. The billing period shall be quarterly.

(2) PAYMENT OF BILL. Sewer bills shall be paid within twenty (20) days from the date of billing.

(3) DELINQUENT BILLS. Delinquent bills will be charged ___% after the due date. An additional 10% will be charged on the total bill on the 1st of November following the bill and will be placed on the tax roll if not paid by November 15th.

(4) ESTABLISHMENT OF A USER CHARGE SYSTEM. A user charge shall be charged to all users of the sewage system and shall be proportional to usage of various items.

(5) BUDGET. The Common Council shall establish a budget each year prior to the first quarter period of the following year. The budget shall include the following items:

1. Current budget, including cost overruns and surplus.
2. Operation and maintenance costs.
3. Replacement fund.
4. Administrative costs and billing costs.
5. Sampling cost.

¹³ Section XII (12) (c) - Amended by Ordinance 2010-02

- 6. Miscellaneous costs.
- 7. Miscellaneous charges.

SECTION XIV – DEBT SERVICE

Sewer user charges are to be collected for principle and interest payments, for public benefit funds, and for any other purpose provided by law not related to the operation, maintenance, and replacement of the waste treatment works. Revenue to repay debt will be generated by the fixed charge plus a volume charge.

SECTION XV – ACCOUNTING

(1) MONEY. All user charge payments shall be placed in the sewer account. Such money shall be used only to cover the costs of operation and maintenance, replacement, toxins, handling, sampling, and other costs as outlined in the Ordinance.

(2) EXPENDITURES. Expenditures shall be made from the user charge monies by the City in accordance with the detailed annual budget and ordinances authorized by the City.

(3) REPLACEMENT FUND. The Replacement Fund is an accrued account for the repair and replacement of equipment, piping, building, etc., at the Wastewater Treatment Plant. This account shall be funded at a rate of \$76,800/year.

(4) RENEWALS. Renewals to accommodate wear of physical elements and/or movable property shall be capital expenditures that cause the annual estimate for accrued reserves from replacement to be evaluated in terms of extended useful life as a result of preventive maintenance programs or of such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and charged to the fixed assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the replacement reserve requirements.

(5) AUDIT. An Audit shall be performed annually at the same time and in the same manner that the other books of account of the City are audited.

SECTION XVI – DATE PUBLISHED, APPROVED AND EFFECTIVE¹⁴

This Ordinance shall take effect on passage, approval and publication.

SECTION XVII – LIABILITY FOR SEWER BACK-UPS¹⁵

The City of Prairie du Chien shall not be responsible for any damage caused nor costs incurred by any person, firm, corporation, or entity due to the backup of raw sewage into any structure connected to the City of Prairie du Chien sewer system.

13.19 (DISCHARGE OF CLEAR WATER REGULATED)

No person shall discharge or cause to be discharged any storm water or clear water drains of any kind, including subsoil drains, building drains, tile drains, down spouts from roof gutters, surface drains, drains from any mechanical device, ditches, pipes, conduits, sump pumps or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging clear waters into a sewer designed or designated as a sanitary sewer, and all of said waters shall be discharged into a storm sewer wherever possible; provided, however, that no such discharge into a storm sewer shall be permitted between November 30 and March 31 of each year, unless connected by underground laterals. During such period and where no storm sewer is available, such water may be discharged onto the owner's lawn or into an underground conduit leading to a drainage ditch or dry well, but no such discharge shall be allowed or permitted to flow on or across any public street, sidewalk or right of way.

13.25 (PENALTY)

In addition to the penalties otherwise specifically provided, any person who shall violate any provision of this subchapter or any order, rule or regulation there under shall be subject to a penalty as provided in sec. 25.04 of this Code.

¹⁴ Section XVI - Amended by Ordinance 2004-02

¹⁵ Section XVII - Created by Ordinance 2010-26