

TITLE 5

Public Utilities

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CHAPTER 1

Water Utility

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SEC. 5-1-1 CROSS CONNECTION CONTROL.

- (a) **DEFINITION OF CROSS CONNECTION.** A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Neillsville Water System, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.
- (b) **UNPROTECTED CROSS CONNECTIONS PROHIBITED.** No person, firm or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in ch. SPS 382, Wisconsin Administrative Code.
- (c) **INSPECTION.** The City of Neillsville may inspect, or arrange for an inspection of, property served by the public water system for cross connections. The City of Neillsville may require a person, firm or corporation who owns, leases or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspection shall be established by the water utility in accordance with Wisconsin Administrative Code. Any unprotected cross connections identified

- by the inspection shall be promptly corrected. Failure to promptly correct an unprotected cross connection shall be sufficient cause for the City of Neillsville to discontinue water service to the property, as provided under section (e) of this ordinance.
- (d) **RIGHT OF ENTRY.** Upon presentation of credentials, the representative of the City of Neillsville shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Neillsville for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under section (e) of this ordinance. If entry is refused, such representative shall obtain a special inspection warrant under Section 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. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under section (e) of this ordinance.
 - (e) **DISCONTINUATION OF WATER FOR VIOLATION.** The Neillsville Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Section exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section (f). 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.
 - (f) **EMERGENCY DISCONTINUANCE.** If it is determined by the Neillsville Water Utility that an unprotected cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Clerk-Treasurer of the City of Neillsville 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 ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.
 - (g) The City of Neillsville adopts by reference the State Plumbing Code of Wisconsin being Chapter SPS 382, Wisconsin Administrative Code.
 - (h) This ordinance does not supersede the State Plumbing Code and the City of Neillsville plumbing code but is supplementary to them.

§ 5-1-1(a), (d), (e), (f) & (g) - Amended: Ord. 1038, 8/28/12

§ 5-1-1(b) & (c) - Recreated: Ord. 1038, 8/28/12

SEC. 5-1-2 TURNING ON WATER.

The water cannot be turned on for a consumer except by a duly authorized employee of the Utility. When a plumber has completed a job he must leave the water turned off. This does not prevent him from testing his work.

SEC. 5-1-3 REPAIRS TO SERVICE.

The service pipe from the main to the curb stop will be maintained and kept in repair at the expense of the Utility. The consumer shall maintain the service pipe from the curb stop to the point of use and can be billed for any water which has not passed through the meter and has been wasted by leakage of defective pipes and fixtures. If a consumer fails to repair a leaky or broken service pipe from curb to point of metering or use within such time as may appear reasonable to the Superintendent of the Utility after notification has been served on the consumer by the Superintendent, the water will be shut off and will not be turned on again until the repairs have been completed.

SEC. 5-1-4 REPAIRS TO MAINS.

The Utility reserves the right to shut off the water in the mains temporarily, to make repairs, alterations or additions to the plant or system. When the circumstances will permit of sufficient delay, the company will give notification by newspaper publication or otherwise, of the discontinuance of the supply. No rebate or damages will be allowed to consumers for such temporary suspension of supply.

SEC. 5-1-5 REPAIRS TO METERS.

- (a) Meters will be repaired by the Water Utility and the cost of such repairs caused by ordinary wear and tear will be borne by the Utility.
- (b) Repair of any damage to a meter resulting from the carelessness of the owner of the premises, his agent or tenant, or from the negligence of any one of them to properly secure and protect same, including any damage that may result from allowing a water meter to become frozen or to be injured from the presence of hot water or steam in the meter, shall be paid for by the customer or the owner of the premises.

SEC. 5-1-6 SECURITY FOR PAYMENT OF BILLS; UNPAID BILLS TO BE A LIEN AGAINST THE PROPERTY.

If bills are not paid within the period allotted for such payment, a penalty of five (5%) percent shall be added to said charge and the same shall constitute a lien on the property served or to which service is available and shall be added to the City's tax roll as provided in the Wisconsin Statutes.

SEC. 5-1-7 FAILURE TO READ METERS.

- (a) Where the Utility is unable to read meter after two successive trials, the fact shall be plainly indicated upon the bill, the minimum charge assessed, and the difference adjusted with the consumer when the meter is read again; that is, the bill for the succeeding billing period will be computed with the gallons or cubic feet in each block of the rate schedule doubled and the credit will be given on that bill for the amount of the minimum bill paid the preceding billing period.
- (b) If the meter is damaged (see Surreptitious Use of Water) or fails to operate for any reason, the Utility will render a bill for the current period, based on an average of the last two (2) billing periods, providing there is no particular reason why the use during that period has not been normal. In case the last two periods cannot be properly used, then the bill shall be estimated by some equitable method.
- (c) Section 196.171 of the Wisconsin Statutes which provides that consumers who fail to allow Utility agents to read or inspect meters at reasonable hours or who refuse or fail to permit authorized utility personnel to read the meter at least once every six (6) months where the utility bills are monthly or bimonthly, or at least once every nine (9) months where the utility bills are quarterly or less frequently than quarterly, shall be subject to a forfeiture of Twenty-five (\$25.00) Dollars for each offense, is hereby adopted by reference.

SEC. 5-1-8 CHARGES FOR WATER WASTED DUE TO LEAKS.

When the meter registers losses due to pipe leaks, the Utility shall determine whether or not the defect in the piping or equipment was known to the consumer or, being known, he had used his best efforts to correct the condition. If the Utility is satisfied that the loss occurred without the consumer's knowledge, or having known about it he had tried to correct the condition, the Utility may determine as nearly as possible what the amount of the loss is by comparison with the use of the water during a like period, and the excess may be billed at the lowest step in the rates. If, however, the consumer

knew of the leak and failed to give proper attention to it, the Utility will bill for the total consumption shown by the meter at regular rates.

SEC. 5-1-9 SURREPTITIOUS USE OF WATER.

When the Utility has reasonable evidence that a consumer is obtaining his supply of water, in whole or in part, by means of devices or methods used to stop or interfere with the proper metering of the Utility service being delivered to his equipment, the Utility reserves the right to estimate and present immediately a bill for service unmetered as a result of such interference and such bill shall be payable subject to a twenty-four (24) hour disconnection of service. When the Utility shall have disconnected the consumer for any such reason, the Utility will reconnect the consumer upon the following conditions:

- (a) The consumer will be required to deposit with the Utility an amount sufficient to guarantee the payment of the consumer's bills for utility service to the Utility.
- (b) The consumer will be required to pay the Utility for any and all damages to its equipment on the consumer's premises due to such stoppage or interference with its metering.
- (c) The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.

SEC. 5-1-10 WATER FOR CONSTRUCTION.

- (a) When water is wanted for construction purposes, or for filling cisterns, tanks, or tank wagons, or portable steam boilers, an application therefor shall be made to the Superintendent, in writing, upon application provided for that purpose in the Water Utility office, giving a statement of the amount of construction work to be done, or the size of the cistern, boiler, tank or tank wagon to be filled.
- (b) Payment for the water for construction shall be made in advance at the scheduled rates. The service pipe must be carried inside the cellar wall from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Superintendent.

SEC. 5-1-11 USE OF HYDRANTS FOR CONSTRUCTION.

- (a) In cases where no other supply is available, permission may be granted by the Superintendent to use a hydrant. No hydrant shall be used until it is equipped with a sprinkling valve. A charge will be made for setting a valve, or for moving it from one hydrant to another. In no case shall any valve be moved except by a member of the Water Utility.
- (b) Before a valve is set, payment must be made for its setting and for water to be used at the scheduled rates. The applicant must make a deposit for the hydrant wheel and for the reducer, if he desires one. When the contractor has finished using the hydrant, he must notify the Water Department to that effect. The charge for the use of water from a hydrant will be determined in accordance with scheduled rates.

SEC. 5-1-12 EMERGENCY AND OCCASIONAL SERVICE.

- (a) Water used for construction work must be covered by a written permit which can be obtained only from the Superintendent. In no case will any employee of the Utility turn on water for construction work unless the contractor first presents a permit. Upon completion of the construction work the contractor must return the original permit to the Water Utility together with a statement of the actual amount of construction work performed.
- (b) Consumers shall not allow contractors, masons or other persons to take water from their premises without first showing a permit from the Department. Any consumer failing to comply

with this provision will have his water service discontinued. He shall be subject to the general penalty provisions of this Code of Ordinances.

SEC. 5-1-13 OPERATION OF VALVES AND HYDRANTS; PENALTY.

Any person who shall, without authority of the Superintendent, operate any valve connected with the street or supply mains, or open any fire hydrant connected with the distribution system, except for the purpose of extinguishing fire, or who shall want only to injure or impair the same shall be subject to a fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars. Permits for the use of hydrants for filling sprinkling carts apply only to such hydrants as are designated for such use. Owners or operators of motor vehicles will be held for the cost of repair of any hydrant damaged by being hit by a motor vehicle, and the Water Utility will not be responsible for the damage to the motor vehicle by reason of such accident.

SEC. 5-1-14 HYDRANT CONNECTIONS.

In the use of a fire hydrant supply, the hydrant valve will be set at the proper opening by the Water Utility when the sprinkling valve is set and the flow of water must be regulated by means of the sprinkling valve. If the water is to be used through iron pipe connections, all such pipe installations shall have a swing joint to facilitate quick disconnection from the fire hydrant.

SEC. 5-1-15 RIGHT TO OPEN HYDRANTS.

Only such persons as shall be authorized by the Superintendent of the Water Utility or authorized members of the Fire Department shall be permitted to open any fire hydrant for any purpose whatsoever and no one except such persons shall be permitted to take the hydrant wrenches or wheels or suffer the same to be taken from any fire engine house, except for Fire Department purposes.

SEC. 5-1-16 INSPECTION OF PREMISES.

Any officer or authorized employee of the Utility shall have the right of access during reasonable hours to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. The Utility will make a systematic inspection of all unmetered water taps at least once every twelve (12) months for the purpose of checking waste and unnecessary use of water.

SEC. 5-1-17 VACATION OF PREMISES.

When premises are to be vacated, the Utility shall be notified in writing at once, so that it may remove the meter and shut off the supply at the curb cock. The owner of the premises shall be liable to prosecution for any damage to the property of the Water Department by reason of failure to notify the Utility of vacancy.

SEC. 5-1-18 FLUORIDES.

Upon the approval of the State Board of Health, and until further direction of the Common Council, the Water Utility of the Department of Public Health is hereby authorized and directed to provide the means and to proceed with the introduction of approximately one to 1.5 parts of fluoride to every million parts of water being distributed in the water supply system of the City of Neillsville.

SEC. 5-1-19 RECONNECTION CHARGE.

- (a) Where a customer has contracted for yearly service and at his request service has been discontinued prior to the expiration of his contract period and his account is not delinquent and where thereafter he requests the reconnection of service in the same location or some other location, a reconnection charge in accordance with scheduled rates, payable in advance, shall be collected.
- (b) A reconnection charge shall also be required from customers whose services are disconnected because of nonpayment of bills when due (not including disconnection for failure to comply with deposit or guarantee rules). A consumer shall be considered for the same location by any member of the same family, or if a place of business, by partner or employee of the same business.

Renumbered: Ord. 949, 7/22/97

SEC. 5-1-20 PRIVATE WELL ABANDONMENT.

- (a) **PURPOSE.** The purpose of this Section is to prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells or wells which may serve as conduits for contamination or wells which may be illegally cross-connected to the municipal water system, are properly abandoned.
- (b) **APPLICABILITY.** This Section applies to all wells located on premises served by the City of Neillsville municipal water system.
- (c) **DEFINITIONS.** The following definitions shall be applicable in this Section:
 - (1) "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 forgoing..
 - (2) "Noncomplying" means a well or pump installation which does not comply with NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to NR 812.43, Wis. Admin. Code.
 - (3) "Pump installation" means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.
 - (4) "Unsafe" well or pump installation means one which produces water which is bacteriologically contaminated or contaminated with substances which exceed the drinking water standards of Chs. 140 or 809, Wis. Admin. Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
 - (5) "Unused" well or pump installation means one which is not in use or does not have a functional pumping system.
 - (6) "Well" means a drillhole or other excavation or opening than it is wide that extends more than 10 feet below the ground surface constructed for the purpose of obtaining groundwater.
 - (7) "Well abandonment" means the proper filling and sealing of a well according to the provisions of NR 812.26, Wis. Admin. Code.
- (d) **ABANDONMENT REQUIRED.** All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this Section and NR 812, Wis. Adm. Code, by April 1, 1993, or no later than one (1) year from the date of connection to the municipal water system, whichever occurs last, unless a well operation permit has been obtained by the well owner from the City of Neillsville.
- (e) **WELL OPERATION PERMIT.** The City of Neillsville may grant a permit to a private well owner to operate a well for a period not to exceed five (5) years providing the conditions of this Section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this Subsection are met. The City of Neillsville, or its agent, may conduct inspections or have water quality tests conducted at the applicant's

expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewal shall be made on forms provided by the Clerk-Treasurer. The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall meet the Standards of Existing Installations described in NR 812.42, Wis. Admin. Code.
 - (2) The well construction and pump installation shall have a history of producing bacteriologically safe water as evidenced by at least two (2) samplings taken a minimum of two (2) weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well.
 - (3) There are no cross-connections between the well and pump installation and the municipal water system.
 - (4) 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.
 - (5) The private well shall have a functional pumping system.
 - (6) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.
- (f) **ABANDONMENT PROCEDURES.**
- (1) All wells abandoned under the jurisdiction of this Section or rule shall be abandoned according to the procedures and methods of NR 812.26, Wis. Admin. Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.
 - (2) The owner of the well, or the owner's agent, shall notify the Clerk-Treasurer at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Public Works Department Director for the City of Neillsville.
 - (3) An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk-Treasurer and the Department of Natural Resources within ten (10) days of the completion of the well abandonment.
- (g) **PENALTY.** Any person who violates any provision of this Section shall be subject to penalties provided in Section 1-1-7 of this Code of Ordinances. If any person fails to comply with this Section for more than ten (10) days after receiving written notice of the violation, the City may impose a penalty and cause the well abandonment to be performed and the expenses to be assessed as a special tax against the property on which the well is located.

Created: Ord. 903, 4/14/92

Renumbered: Ord. 949, 7/22/97

§ 5-1-20 (c) Recreated: Ord. 1039, 8/28/12

§ 5-1-20 (d), (e) & (f) Amended: Ord. 1039, 8/28/12

CHAPTER 2

Cable Television Franchises

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SEC. 5-2-1 GRANT OF FRANCHISE.

This chapter allows the City of Neillsville to grant to a Franchise Grantee, its successors and assigns, a nonexclusive license to install, maintain, and operate a cable television system for the distribution of television signals, frequency-modulated radio signals, and closed circuit television programs for a term of fifteen (15) years, provided that the Franchise Grantee conforms to the conditions, limitations and requirements of this ordinance. This ordinance may be amended from time to time by the City through the enactment of amendments thereto.

SEC. 5-2-2 DEFINITIONS.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

- (a) "City" means the City of Neillsville, State of Wisconsin, in its present incorporated form or in any later recognized, consolidated, enlarged or reincorporated form.
- (b) "Cable" means coaxial cables, wave guides, or other conductors and equipment for providing video, audio, and data frequencies by cable or through its facilities as herein contemplated, and including closed-circuit special event programs and educational television.
- (c) "Grantee" means a person or entity to whom or which a Franchise under this chapter is granted by the Common Council and the lawful successors or assigns of such person or entity.
- (d) "Common Council" means the present governing body of the City or any future body constituting the legislative body of the City.
- (e) "Street" means the surface of and space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the City.
- (f) "Subscriber" means any person or entity receiving and paying for any purpose the services of a Grantee herein.
- (g) "Gross revenues" means any revenue, derived directly or indirectly by a Grantee, its affiliates, subsidiaries, parents, and any persons or entities in which a Grantee has a financial interest of five percent or more from or in connection with the operation of a Neillsville cable system including, but not limited to, basic subscriber service monthly fees, pay cable fees, installation and reconnection fees, leased channel fees, converter rentals, enhanced telecommunications services, studio rental, and production equipment rental revenues. The term does not include any taxes on service furnished by Grantee and imposed directly upon any subscriber or used by the State, City, or other governmental unit and collected by Grantee on behalf of said governmental unit.

SEC. 5-2-3 RENEWAL.

- (a) A Grantee shall have the right to apply to the City for renewal or extension of the Franchise. The City shall grant such renewal or extension application unless it finds that:
 - (1) The Grantee has not substantially complied with the material terms of the ordinance and with applicable law, or its officers have been convicted of a felony;
 - (2) The legal, technical, or financial qualifications of the Grantee are inadequate to provide the service proposed by it;
 - (3) The service and facilities to be provided by the Grantee are not reasonable in light of the community need for and cost of such services and facilities;
 - (4) The service quality of the cable system has not been reasonable in light of the community needs; or
 - (5) The proposals contained in the renewal application are otherwise unreasonable.
- (b) A Grantee must file for renewal at least thirty (30) months before the expiration of the Franchise. The City must consider the renewal application and conduct any proceedings necessary to adequately consider the application; and may not request, accept, or consider any other Franchise application until the Grantee's application is denied or approved.
- (c) The City shall negotiate in good faith with the Grantee regarding Franchise renewal within 60 days after the completion of proceedings pursuant to 6-9-3(b); and shall make a preliminary decision on granting or denying renewal within four (4) months after receipt of an application. If the City denies an application, it must notify the Grantee by written statement, within seven (7) days after its decision, of the reasons for the denial.
- (d) The Grantee, if adversely affected or aggrieved by a decision of the City made pursuant to this section, may appeal such decision in any court of competent jurisdiction. The Franchise shall remain in effect pending the completion of such appeal.
- (e) Both the City and Grantee shall comply with all the provisions of Section 626 of the Cable Communication Policy Act of 1984 regarding renewal procedures.
- (f) In the event that the Act changes, the City shall conduct renewal procedures in accordance with then applicable law.

SEC. 5-2-4 TERMINATION OR EXPIRATION.

- (a) Should a Grantee's Franchise be terminated or expire and there is no judicial or administrative review of the termination or expiration taking place, the Grantee shall begin removal within ninety (90) days of termination or expiration of all property owned by the Grantee and placed on a public right-of-way unless permitted by the City to abandon said property to a purchaser.
- (b) In the event that a Franchise has been terminated or has expired, the City shall have options, to the extent then permitted by law, to purchase the assets of the Grantee's cable television system previously governed by the Franchise at its fair market value, to assign such rights to purchase, or to require removal of all Grantee's property located within the public ways of the City at the Grantee's expense. Such an option must be exercised within one (1) year from the date of the revocation or expiration of the Franchise, the entry of a final judgement by a court reviewing the question of the revocation or expiration, or the entry of final order upon appeal of the same, whichever is later.

SEC. 5-2-5 TRANSFER PROCEDURE.

All of the rights and privileges and all the obligations, duties and liabilities created by this ordinance shall pass to and be binding upon the successors of the City and the successors and assigns of any Grantee; and the same shall not be assigned or transferred without the written approval of the City hereunder, which approval shall not be unreasonably withheld without a showing of good cause; provided, however, that this section shall not prevent the assignment or pledge of a Franchise or system by a Grantee as security for debt without such approval; and provided further that transfers or assignments of a Franchise between any parent and subsidiary corporation or between entities of which at least fifty-one percent (51%) of the beneficial ownership is held by the Grantee or any parent corporation shall be permitted without the prior approval of the City. The sale, transfer, or assignment of a material portion of the tangible assets of a Grantee to an unrelated third party shall be considered an assignment subject to the provisions of this section.

- (a) The parties to the sale or transfer of a Franchise shall make a written request to the City for its approval of a sale or transfer of the Franchise.
- (b) The City shall reply in writing within thirty (30) days of the request and shall indicate approval of the request or its determination that a public hearing is necessary due to potential adverse effect on the Franchise subscribers.
- (c) If a public hearing is deemed necessary pursuant to 6-9-5(b), the City shall conduct such hearing within thirty (30) days of such determination and notice of any such hearing shall be given fourteen (14) days prior to the hearing by publishing notice thereof once in a newspaper of general circulation in the area being served by the Franchise. The notice shall contain the date, time and place of the hearing and shall briefly state the substance of the action to be considered by the City.
- (d) Within thirty (30) days after the public hearing, the City shall approve or deny in writing the sale or transfer request.
- (e) The parties to the sale or transfer of a Franchise only, without the inclusion of a cable communications systems in which at least substantial construction has commenced, shall establish that the sale or transfer of a Franchise only will be in the public interest.
- (f) A Grantee, upon transfer, shall within sixty (60) days thereafter file with the City a copy of the deed, agreement or other written instrument evidencing such sale, transfer of ownership or control or lease, certified and sworn to as correct by the Grantee.

SEC. 5-2-6 FRANCHISE TERRITORY.

Any Franchise is for the present territorial limits of the City of Neillsville. For any area henceforth added thereto during the term of the Franchise, service shall be extended wherever household density reaches 30 homes per plant mile, including interconnecting trunks.

SEC. 5-2-7 SUBSCRIBER PRIVACY.

- (a) A Grantee shall not, except as required by governmental action, provide any data concerning specific subscribers or users to their use of subscriber services without notification to the subscribers or users.
- (b) Subscribers and users shall retain the right to deactivate their terminals, but shall continue to be responsible for charges until the Grantee is notified to terminate service.

SEC. 5-2-8 TECHNICAL PERFORMANCE.

- (a) The cable system shall be operated to comply with all guidelines and standards set by the FCC for signal quality and leakage upon proper notification. The City reserves the right to test the system and independently measure the signal quality. The system shall comply at all times with the National Electrical Code of the National Fire Protection Association.
- (b) The City may inspect all construction or installation work during such construction or installation, or at any time after the completion thereof, in order to insure compliance with the provisions of this chapter and all other governing ordinances.

SEC. 5-2-9 OPEN BOOKS AND RECORDS.

Any Grantee shall manage all of its operations in accordance with the policy of totally open books and records via-a-vis the City. The authorized officers of the City shall have the right to inspect, upon notice, during normal business hours all books, records, maps, plans, and service complaint logs of the Grantee that relate to the operation of the Franchise.

SEC. 5-2-10 SUBSCRIBER SERVICE.

- (a) The Grantee shall provide a line, either staffed or with answering capabilities, available 24 hours a day.
- (b) The Grantee shall answer service requests for service interruptions within forty-eight (48) hours, excluding weekends and holidays. Problems should be rectified in forty-eight (48) hours in case of a dispute, in fewer than thirty (30) days. Customers shall be able to request from the Grantee that a service visit occur during a four hour block of time in either the morning or the afternoon.

SEC. 5-2-11 DESCRIPTION OF SYSTEM.

A Grantee shall, as part of the acceptance of a Franchise, provide a complete written description or map of the cable system in the City of Neillsville. Such written description or map shall be updated as additions or changes are made.

SEC. 5-2-12 RATES.

- (a) Rates charged by a Grantee for service hereunder shall be fair and reasonable. The Grantee shall not engage, directly or indirectly, in any sales or service of individual television sets.
- (b) Subsequent additions or amendments to rates and service charges shall likewise be filed with the City Clerk 30 days prior to the same becoming effective.

SEC. 5-2-13 CONDITIONS ON STREET OCCUPANCY.

- (a) All transmission and distribution structures, lines and equipment erected by a Grantee within the City shall be so located as not to cause interference with the proper use of streets, alleys, and other public ways and places, and not to cause interference with the rights of or reasonable convenience of property owners who adjoin any of the streets, alleys, or other public ways and places.
- (b) In case of any disturbance of pavement, sidewalk, driveway, or other surfacing, the Grantee shall first give notice to the Director of Public Works of any contemplated disturbances of pavement, sidewalk, driveway, or other surfacing, and shall, at its own cost and expense and in a manner approved by the Director of Public Works, replace and restore all pavement, sidewalk, driveway, or other surface of any street or alley disturbed in as good condition as before such work commenced. The Grantee shall otherwise comply with City ordinances relating to street openings.
- (c) If, at any time during the period of a Franchise, the City shall elect to alter or change the location or grade of any street, alley, or other public way, the Grantee, upon reasonable notice by the City, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense. If any construction by the Grantee is in violation of the provisions of subsection (a) of this section, the Grantee shall likewise, upon reasonable notice by the City, remove, relay and relocate its property in such a manner as to remedy such violation at its own expense.
- (d) The Grantee shall not place poles or other fixtures where the same will interfere with any existing gas, electric, telephone, or other fixture, water hydrant, or main. All such poles or other fixtures placed in any street shall be placed between the outer edge of sidewalk and the curb line, and those placed in alleys shall be placed close to the line of the lot abutting on such alley in such a manner as not to interfere with the usual travel on the streets, alleys, and public ways. However, nothing in this chapter shall prohibit the use of the Grantee of existing public utility poles where practical.
- (e) A Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expenses of such temporary raising or lowering of the wires shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given not less than seventy-two (72) hours in advance notice to arrange for such temporary wire changes.
- (f) The Grantee, to the same extent that the City has such authority, may trim trees that overhang streets, alleys, sidewalks, and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.

SEC. 5-2-14 INDEMNITY.

- (a) The Grantee shall defend and save the City and its agents and employees harmless from all claims, damages, losses, and expenses including attorney's fees sustained by the City on account of any suit, judgement, execution, claim, or demand whatsoever arising out of :
 - (1) The enactment of this ordinance and granting of a franchise thereunder, except such claims as may arise from the City's selection of a Grantee to be awarded a franchise pursuant to this ordinance.
 - (2) The installation, operation or maintenance of the cable system except for acts of the City, its agents or employees, unless said acts are at the request of and under the direction or supervision of the Grantee.

- (b) The City shall notify the Grantee within ten (10) days after the presentation of any claim or demand, either by suit or otherwise made against the City on the part of the Grantee. The Grantee shall furnish to the City, before any franchise becomes effective, satisfactory evidence in writing that the Grantee has in force and will maintain in force during the term of the franchise public liability insurance.
- (c) All Grantees shall maintain throughout the term of the permit a general comprehensive liability insurance policy naming as additional insured the City, its officers, boards, commissions, agents, and employees in a form satisfactory to the City Attorney. The policy shall protect the City and its agencies and employees against liability for loss or damages for personal injury, death or property damage occasioned by the operations of Grantee under any franchise granted hereunder, in the amounts of (1) \$500,000 for bodily injury or death to any one person with the limit however of \$1,000,000 for bodily injury or death resulting from any one accident, and (2) \$500,000 for property damage resulting from any one accident. The City shall be named as an additional insured under such insurance and a copy of the current in-force policy shall be deposited with the City Clerk.

SEC. 5-2-15 SERVICE REMEDIES.

- (a) A Grantee is not responsible for failure to provide adequate service caused by acts of God, strikes, governmental or military action, or other conditions beyond its control including the lack of material or parts. Except as otherwise provided, upon interruption of service of greater than forty-eight (48) hours without the prior express permission of the City, the Grantee shall provide its customers with a refund based on the following formula:

$$\frac{\text{Basic Service Rate} \times \# \text{ of Days}}{\# \text{ of Days in Month}}$$

SEC. 5-2-16 RIGHTS OF RESIDENTS.

- (a) An owner or operator of an apartment building, condominium, nursing home, mobile home park, or any other rental facility may not interfere with or charge a fee for the installation of Cable System facilities for the use of a lessee of said property or premises, except that such owner or operator may require:
 - (1) Installation to conform to reasonable conditions necessary to protect the safety, appearance and functioning of the premises;
 - (2) The Grantee, occupant, or tenant to pay for the installation, operation, or removal of such facilities;
 - (3) The Grantee, occupant, or tenant to agree to indemnify the owner or operator for any damages caused by the installation, operation or removal of such facilities.
- (b) It shall be unlawful for the Grantee to reimburse or offer to reimburse any person, or for any person to demand or receive reimbursement from the Grantee, for the placement upon the premises of such person of Grantee's facilities necessary to connect such person's premises to the distribution lines of Grantee to provide Cable Service to said premises.
- (c) A landlord may not discriminate in the amount of rent charged to tenants or occupants who receive Cable Service and those who do not.

SEC. 5-2-17 RIGHTS OF THE CITY.

- (a) The right is hereby reserved by the City to adopt, in addition to the provisions contained in this chapter and existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of its police powers. Such regulations, by ordinance or otherwise, shall be reasonable and not be in conflict with the rights granted in this chapter and not be in conflict with the laws of the State.

- (b) The City may, during the term of a Franchise, free of charge where aerial construction exists, maintain upon the poles of the Grantee within the City limits wire and pole fixtures necessary for a police and fire alarm system, such wires and fixtures to be constructed and maintained to the satisfaction of the Grantee and in accordance with its specifications.

SEC. 5-2-18 WAIVER OF CHARGES.

During the term of a Franchise, the Grantee shall provide free service to any and all schools whether private, public, or parochial, within the area of the Franchise. Grantee may charge for usual installation costs.

SEC. 5-2-19 SEVERABILITY.

Should any word, phrase, clause, sentence, paragraph, or portion of this ordinance and/or a Franchise be declared to be invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance and the Franchise as a whole, but shall only affect the portion thereof declared to be invalid; and the City Council hereby expressly states and declares that it would nonetheless have passed this ordinance and granted the Franchise had it known that any such word, phrase, clause, sentence, paragraph or portion of said ordinance or Franchise were invalid.

SEC. 5-2-20 ACCEPTANCE BY GRANTEE.

Any Franchise granted under this ordinance shall be effective upon written acceptance of the Franchise being filed with the Clerk of the City within thirty (30) days from the adoption hereof, and the Franchise shall continue in force for a period of fifteen (15) years.

SEC. 5-2-21 ARBITRATION.

- (a) Controversies arising from a Grantee's performance under the terms of this ordinance shall be submitted to arbitration. Arbitration shall not be demanded by any party until such time as that party has served written notice upon the opposing party, setting forth its proposed determinations or actions which are to be the subject matter of the arbitration. Such notice shall be in writing and mailed to the other party by Certified Mail, return receipt requested.
- (b) In the event of arbitration, the parties shall select the arbitrator or if they fail to do so, a Circuit Judge shall select the arbitrator. The expenses of the arbitration and compensation of the arbitrator shall be borne by the City and the Grantee as the award shall provide, but in no event shall the City be obligated to pay more than one-half such expenses and compensation. The arbitration award shall be binding upon the parties.

SEC. 5-2-22 INCORPORATION OF AMENDMENTS.

This ordinance shall be amended to incorporate all amendments to the statutes, rules and regulations of the Federal government as they are promulgated by the Federal government. Any provision herein, in conflict with or preempted by said rules, regulations or statutes, shall be superceded.

SEC. 5-2-23 PROTECTION OF NONSUBSCRIBERS.

A Grantee shall at all times keep its cables and other appurtenances used for transmitting signals shielded in such a manner that there will be no interference with signals received by radios or televisions not connected to the Grantee's service.

SEC. 5-2-24 GRANTEE RULES.

A Grantee may promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its obligations under the Franchise and to assure uninterrupted service to all its subscribers. However, such rules, regulations, terms and conditions shall not be in conflict with the provisions of this chapter or the laws of the State.

SEC. 5-2-25 WAIVER OF OBJECTIONS.

By the adoption of this chapter, the City expressly waives all objections it has or may have to the legal rights of the Grantee to attach its cables, equipment, and transmission lines to the poles of the City, pursuant to an agreement or to the poles of the public utilities and the authority of such public utilities to grant such right to the Grantee.

SEC. 5-2-26 GRANTEE WITHOUT RECOURSE.

A Grantee shall have no recourse whatsoever against the City for any loss, cost or expense, or damage arising out of any provisions or requirements of a Franchise or because of the enforcement thereof by the City, or for the failure of the City to have authority to grant all or any part of the Franchise. Grantee expressly acknowledges that in accepting any Franchise it does so relying on its own investigation and the understanding of the power and authority of the City to grant the Franchise. By accepting a Franchise, a Grantee acknowledges that it has not been induced to enter in to the Franchise by any understanding or promise or other statement, whether verbal or written, by or on behalf of the City or by any other third person concerning any term or condition of the Franchise not expressed herein. The Grantee further acknowledges by acceptance of the Franchise that it has carefully read the terms and condition hereof, and is willing to and does accept all the risks of the meeting of such terms and conditions and agrees that in the event of any ambiguity therein or in the event of any dispute over the meaning thereof the same shall be construed strictly against the Grantee and in favor of the City.

SEC. 5-2-27 WORK PERFORMED BY OTHERS.

- (a) A Grantee shall give prior notice to the City specifying the names and addresses of any entity, other than the Grantee, that performs services pursuant to the Franchise, provided, however, that all provisions of the Franchise remain the responsibility of the Grantee.
- (b) All provisions of any Franchise shall apply to any subcontractor or other performing any work or services pursuant to the provisions of the Franchises.

SEC. 5-2-28 CONTEST OF VALIDITY.

Grantee agrees by acceptance of a Franchise that it will not at any time set up against the City in a claim for proceeding any condition or term of the Franchise as unreasonable, arbitrary or void, or that the City had no proper authority to make such term or condition, but shall be required to accept the validity of the terms and conditions of the Franchise in their entirety.

SEC. 5-2-29 VIOLATIONS.

- (a) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the Company's Community Antenna System within this City for the purpose of enabling himself or other to receive any television signal, radio signal, picture, program or sound, without payment to the Company.
- (b) It shall be unlawful for any person, without the consent of the Company, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, picture, programs or sound.

SEC. 5-2-30 PENALTIES.

Any person violating or failing to comply with any of the provisions of Section 16 and/or Section 29 of this ordinance shall be subject to a forfeiture for each day of violation or failure to comply, not to exceed \$300.00.

SEC. 5-2-31 CONFLICTING ORDINANCES.

Ordinances or parts of ordinances in conflict with the above ordinance are hereby repealed.

Recreated: Ord. 911, 11/23/93

CHAPTER 3

Sewer Utility

§5-3-1	Introduction and General Provisions
§5-3-2	Definitions
§5-3-3	Management, Operation and Control
§5-3-4	User Rules and Regulations
§5-3-5	Regulations
§5-3-6	Sewer User Charge System
§5-3-7	Control of Industrial and Septage Wastes
§5-3-8	Payment for Charges
§5-3-9	Audit
§5-3-10	Violations and Penalties
§5-3-11	Validity

SEC. 5-3-1 INTRODUCTION AND GENERAL PROVISIONS.

- (a) This ordinance regulates the use of public and private sewers and drains, discharge of septage into the public sewerage system, and the discharge of waters and wastes into the public sewerage systems within the City of Neillsville. It provides for and explains the method used for levying and collecting wastewater treatment service charges, sets uniform requirements for discharges into the wastewater collection and treatment systems and enables the City of Neillsville to comply with administrative provisions, and other discharge criteria which are required or authorized by the State of Wisconsin or Federal Law. Its intent is to derive the maximum public benefit by regulating the characteristics of wastewater discharged into the City of Neillsville sewerage system.
- (b) This Ordinance provides a means for determining wastewater and septage volumes, constituents and characteristics, the setting of charges and fees, and the issuing of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, debt service costs and capital improvements. The charges and fees herein have been established pursuant to requirements of the Wisconsin Statutes. This Ordinance shall supersede any previous Ordinance, Rules or Regulations; and shall repeal all parts thereof that may be inconsistent with this Ordinance. If there is any conflict between this Ordinance and any applicable Statute, the State Statute shall be controlling.

SEC. 5-3-2 DEFINITIONS.

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

- (a) Authority. The City of Neillsville, or its duly authorized committee, agent, or representative.
- (b) Ammonia Nitrogen (NH₃-N). One of the oxidation states of nitrogen, in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄. Quantitative determination of ammonia nitrogen shall be made in accordance with procedures set forth in "standard methods" or Chapter NR 149 of the Wisconsin Administrative Code.
- (c) Building Inspector. The Director of Public Works of Neillsville, who shall act for the City of Neillsville Sewer Utility unless otherwise noted.
- (d) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees Centigrade, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in the most recent edition of "Standard Methods."

- (e) Building Drain. That part of the lowest horizontal piping of a drainage system which receive the discharge from soil, waste, and other drainage pipes inside the wall of the building and conveys it to the building sewer.
- (f) Building Sewer. The extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.
- (g) Chemical Elements and Compounds. That are typically found in wastewater and may be regulated by this ordinance. These are as follows:
- | | | |
|-----------------------------|-----------------------|------------|
| Aldrin | Cyanide | Lead |
| Ammonia Nitrogen | DDT | Lindane |
| Arsenic | DDD | Mealthion |
| Benzene | DDE | Mercury |
| Benzo(a) Anthracene | Dieldrin | Molybdenum |
| Benzo(a) pyrene | 3,3-Dichlorbenzidine | Nickel |
| Beryllium | Dichloromethane | Nitrogen |
| BIS (2-Ethylhexyl) Phtalate | 2,4-D | PCB's |
| Cadmium | Dimethyl Nitrosoamine | Phosphorus |
| Carbon Tetrachloride | Endrin | |
| Chloradane | Heptachlor | |
| Chloroform | Hexachlorobenzene | |
| Copper | Hexachlorobutadiene | |
| Chromium | | |
- (h) Compatible Pollutants. Biochemical oxygen demand, suspended solids, phosphorus, ammonia, or pH, plus additional pollutants identified in the WPDES permit for the publicly owned treatment works receiving the pollutant if such works were designed to treat such additional pollutants to a substantial degree.
- (i) Floatable Oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater or septage shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection of treatment system.
- (j) Garbage. The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.
- (k) Ground Garbage. The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particulates will no greater than one-half (1/2) inch in any dimension and will be carried freely in suspension under normal flow conditions in sewers.
- (l) Incompatible Pollutants or Wastewater. Wastewater or septage with pollutants or of such a strength that will adversely affect of disrupt the wastewater treatment process or effluent quality or sludge quality if discharged to the sewerage pretreatment facilities.
- (m) Industrial Waste. The wastewater from industrial process, trade, or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.
- (n) Licensed Disposer. A person or business holding a valid license to do septage servicing under NR 113.
- (o) May. Is permissible.
- (p) Municipal Wastewater. The wastewater of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institution, together with any groundwater, surface water, and stormwater that may have entered inadvertently the sewerage system.
- (q) Natural Outlet. Any outlet, including storm sewers, into a water course, pond, ditch, lake or other body of surface water or groundwater.
- (r) Nitrogen. Kjeldahl nitrogen which is the sum of organic nitrogen and ammonia nitrogen.
- (s) Parts Per Million. A weight-to-weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (t) Person. Any and all persons, including any individual, firm, company, municipal or private corporations, association, society, institution, enterprise, government agency, or other entity.
- (u) pH. The logarithm of the reciprocal of hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water for example, a pH value of 7 and a hydrogen ion concentration of 10^{-7} .
- (v) Phosphorus. Phosphorus shall be total phosphorus converted and reported as orthophosphosphate.

- (w) Public Sewer. Any sewer provided by or subject to the jurisdiction of the City of Neillsville.
- (x) Sanitary Sewerage. A combination of liquid and water-carried wastes discharged from toilets and/or sanitary plumbing facilities, together with such ground, surface, and storm waters as may have inadvertently entered the sewerage system.
- (y) Sanitary Sewer. A sewer carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with small quantities of ground, storm, and surface waters that are not admitted intentionally.
- (z) Septage. The wastewater or contents of specific or holding tanks, dosing chambers, grease interceptors, seepage beds, seepage pits, seepage trenches, privies or portable restrooms.
- (aa) Sewage. The spent water of a community. The preferred term is "municipal wastewater".
- (bb) Sewer Service Areas. The areas presently served and anticipated to be served by a municipal wastewater collection system.
- (cc) Sewer Service Charge. A service charge levied on users of the wastewater collection and treatment facilities for payment of use-related capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
- (dd) Sewer System. The common sanitary sewers within a sewerage system which are primarily installed to receive wastewater directly from facilities which convey wastewater from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey wastewater from individual structures, from private property to the public sanitary sewer, or its equivalent, are specifically excluded from the definition of "sewerage collection system"; except that pumping units and pressurized lines for individual structures or groups of structures may be included as part of a "sewer system" when such units are cost-effective and are owned and maintained by the sewerage owner.
- (ee) Sewerage System. All structures, conduits and pipes, by which sewage is collected, treated, and disposed of, except plumbing inside and in connection with buildings served, and service pipes, from building to street main.
- (ff) Shall. Is mandatory.
- (gg) Slug Load. Any substance released at a discharge rate and/or concentration which cause interference to wastewater treatment processes or plugging or surcharging of the sewer system.
- (hh) Standard Methods. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- (ii) Storm Drain (sometimes termed "storm sewer"). Drain or sewer for conveying surface water, groundwater, subsurface water of unpolluted water from any source.
- (jj) Stormwater Runoff. That portion of the rainfall that is collected and drained into the storm sewers.
- (kk) Suspended Solids. Solids that either float on the surface of, or are in suspension in, water, wastewater, septage, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods" and is referred to as nonfilterable residue.
- (ll) Utility. The City of Neillsville Sewer Utility.
- (mm) Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, store, and treat domestic and industrial waste and septage and dispose of the effluent and sludge.
- (nn) Wastewater Treatment Works. An arrangement of devices and structures for treating wastewater, septage, industrial waste, and sludge. Sometimes use as synonymous with waste treatment.
- (oo) Watercourse. A natural or artificial channel for the passage of water, either continuously or intermittently.

Amended: Ord. 967, 11/23/99

SEC. 5-3-3 MANAGEMENT, OPERATION, AND CONTROL.

The management, operation, and control of the sewer system for the City of Neillsville shall be vested in the Building Inspector or designee; all records, minutes and all written proceedings thereof shall be kept by the City Clerk-Treasurer; the City Clerk-Treasurer shall keep all the financial records.

- (a) **CONSTRUCTION.** The Building Inspector or designee shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the City of Neillsville; and generally, to do all such work as may be found necessary or convenient in the management of the sewer system. The Building Inspector or designee shall have power by themselves, their officers, agents, and servants, including the Building Inspector, to enter upon any land for the purpose of making examination or supervise in the performance of their duties under this Ordinance, without liability thereof; and the City of Neillsville shall have power to purchase and acquire for the Building Inspector or designee all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.
- (b) **MAINTENANCE OF SERVICES.** The Owner shall maintain sewer service from the street main to the house and including all controls between the same, without expenses to the Building Inspector or designee, except when they are damaged as a result of negligence or carelessness on the part of the Building Inspector or designee. All sewer services must be maintained free of defective conditions, by and at the expense of the Owner or occupant of the property. When any sewer service is to be relaid and there are two or more buildings on such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.
- (c) **CONDEMNATION OF REAL ESTATE.** Whenever any real estate or any easement therein, or use thereof, shall in the judgement of the Building Inspector or designee be necessary to the sewer system, and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the Owner thereof, the City of Neillsville shall proceed with all necessary steps to take such real estate easement, or use by condemnation in accordance with the Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.
- (d) **TITLE TO REAL ESTATE AND PERSONALITY.** All property, real, personal, and mixed, acquired for the construction of the sewer system, and all plan, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery, and fixtures pertaining thereto, shall be the property of the City of Neillsville.

SEC. 5-3-4 USER RULES AND REGULATIONS.

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

- (b) The following rules and regulations for the government of licensed plumbers, sewer users and others, are hereby adopted and established.
- (1) **PLUMBERS.** No plumber, pipe fitter, or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin and obtaining permission from the Building Inspector or designee. All service connections to the sewer main shall comply with State plumbing code.
 - (2) **USERS.**
 - a. **MANDATORY HOOK-UP.** The owner of each parcel of land adjacent to a sewer main on which there exists a building usable for human habitation or in a block through which such system is extended, shall connect, pursuant to Sec. 6-1-4, to such system within 180 days of notice in writing from the Building Inspector or designee. Upon failure to do the City may cause such connection to be made and bill the property owner for such costs. If such costs are not paid within the time noted in Sec. 6-1-4, such notice shall be assessed as a special tax lien against the property.
- (c) **SEPTAGE TANK PROHIBITED.** The maintenance and use of septic tanks, holding tanks, and other private sewage disposal systems within the area of the City of Neillsville serviced by its sewer system are hereby declared to be a public nuisance and a health hazard. The use of septic tanks, holding tanks or any private sewage disposal system within the area of the City serviced by the sewerage system shall be prohibited.
- (d) **APPLICATION FOR SEWER SERVICE.**
- (1) Every person desiring to connect to the sewer system shall file an application in writing to the Utility by the Building Inspector on such forms as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the City Clerk-Treasurer. The application must state fully and truthfully all the wastes which will be discharged. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. Person connected to the sewer system of the City of Neillsville are referred to herein as "Users".
 - (2) If it appears that the service applied for will not provide adequate service for the contemplated use, the Building Inspector or designee may reject the application. If the Building Inspector or designee approves the application, he/she shall issue a permit for services as shown on the application.
- (e) **APPLICATION FOR SEPTAGE DISPOSAL.**
- (1) Each year every licensed disposer wishing to discharge septage to the City of Neillsville sewerage system shall file a nonrefundable filing fee and an application in writing to the Utility by the Building Inspector on such a form as is prescribed for the purpose. Forms for such application will be furnished at the office of the City Clerk-Treasurer. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed in the sewerage system.
 - (2) During the month of September, the Building Inspector or designee will evaluate the applications and make a determination as to the amount and condition of septage disposal in the City of Neillsville sewerage system. If the Utility cannot accept all the proposed septage disposal then consideration shall be given, by the Building Inspector, first to those generators of septage that are within the sewer service.
 - (3) All approvals for septage disposal shall have the conditions that any time the sewerage system has operational problems, maintenance problems, or threat of WPDES permit violations that are indirectly or directly related to septage disposal, the Building Inspector or designee may immediately restrict septage disposal until such time as corrective action or mitigative measures have been taken.
- (f) **CONNECTION CHARGE.** Persons attaching to a sewer main shall have the lateral from the sewer main installed at their own expense.
- (g) **TAP PERMITS.** After sewer connections have been introduced into any building or upon any premises, no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work exhibits the proper permit for the same from the Building Inspector or designee.

- (h) **USER TO KEEP IN REPAIR.** All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system.
- (i) **BACKFLOW PREVENTOR.** All floor drains shall have a backflow prevention valve installed at the owner's expense.
- (j) **USER USE ONLY.** No user shall allow other persons or other services to connect to the sewer system through their lateral.
- (k) **VACATING OF PREMISES AND DISCONTINUANCE OF SERVICE.** Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the Utility by the Building Inspector must be notified in writing. The owner of the premise shall be liable for any damages to the property of the system other than through the fault of the system or its employees, representatives, or agents.
- (l) **USER TO PERMIT INSPECTION.** Every user shall permit the Utility by the Building Inspector or his/her designee, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains, and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use, all in accordance with this Ordinance and Chapter 196.171, Wisconsin Statutes.
- (m) **UTILITY RESPONSIBILITY.** It is expressly stipulated that no claim shall be made against the City or the Utility of acting representative by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work they may be deemed necessary. The right is hereby reserved to cut off the service at any time for the purpose of repairs of any other necessary purpose, any permit granted or regulations to the contrary notwithstanding.
- (n) **EXCAVATION.**
 - (1) In making excavations in streets or highways for laying service pipe or making repairs, the paving and the earth removed must be deposited in manner that will result in the least inconvenience to the public.
 - (2) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning light must be maintained at such excavations.
 - (3) In refilling the opening, after the service pipes are laid, the earth must be laid in layers of not more than 9 inches in depth, and each layer thoroughly compacted to prevent settling. This work together with the replacing of sidewalks, ballast and paving, must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the Utility by the Building Inspector. No opening of the streets for tapping the pipes will be permitted when the ground is frozen.
- (o) **TAPPING THE MAINS.**
 - (1) No person, except those having special permission from the Building Inspector or designee or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collection pipes. The kind and size of the connection with the pipe shall be that specified in the permits or order from the Building Inspector or designee to ensure that new sewers and connections to the sewer system are properly designed and constructed.
 - (2) Pipes should always be tapped on top, and not within 6 inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection. All service connections to mains must comply with State plumbing code. Lateral connections to existing sewers shall be made with saddles and by coring the existing sewer or by inserting (cutting-in) a wye or tee into the existing sewer. The wye or tee shall be of the same pipe material as the existing sewer. The lateral/tee connection shall be made with approved adaptors or couplings.
- (p) **INSTALLATION OF HOUSE LATERALS.**
 - (1) All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter ILHR 82 "Design, Construction, Installation, Supervision, and Inspections of Plumbing", especially, Section ILHR 82.0-4, "Building Sewers".

- (2) As required by Section ILHR 82.04(5), all laterals shall be inspected: "The building sewer and/or private interceptor main sewer shall be inspected upon completion of placement of the pipe and before backfilling and tested before of after backfilling."
- (q) EXTENSIONS.
- (1) The City shall extend sewer mains to a new person(s) in accordance with the following charges and the following conditions:
- a. When an extension of a sewer main is required by the prospective user, said person shall make an application on such a form as is prescribed for that purpose for such an extension in writing to the Utility by the Building Inspector by filing of such an application, the Utility by the Building Inspector shall first determine the logical location of the next manhole or manholes. Next, the Utility by the Building Inspector shall determine the length and location of the extension, taking into consideration the prospective demands for service, the capacity of downstream facilities, and the orderly development of the particular area. No extension shall be made for a distance less than to the next manhole. All sewer extensions shall be constructed in compliance with local and state laws, ordinances, and regulations.
 - b. The person who requests the extension shall pay the entire cost of said extension including the manhole or manholes that are part of the extension. If more than one user is involved, the entire cost shall be divided among these users.
 1. In addition to the charge made as above provided to each lot, each user shall pay the full cost of the lateral from the main to their building.
- (r) SEPTAGE ACCEPTANCE LOCATION.
- (1) Septage shall only be discharged to the City's sewerage system by City-approved and State of Wisconsin licensed disposers and at locations, times, and conditions as specified by the Building Inspector or designee.
 - (2) Septage discharges to Building Inspector or designee specified manholes may, under special circumstances, be allowed provided discharge rates are restricted as necessary to facilitate mixing, prevent a backup in the receiving sewer and prevent a slug load to the wastewater treatment facility. Discharges may be limited to the normal working hours of the Building Inspector or designee and require written documentation of the discharge to be submitted to the Utility by the Building Inspector within one working day of the discharge to the City of Neillsville sewerage system.
 - (3) Forms are prescribed for the purpose of documentation of the discharge will be furnished at the office of the City Clerk-Treasurer and will include the following information:
 - a. Name, address, and telephone number of the hauler.
 - b. License number.
 - c. Type of septage.
 - d. Quantity of septage.
 - e. Estimated quality of septage.
 - f. Location, date, time and feed rate of discharge to the sewerage system.
 - g. Source of septage.
 - h. Name and address of septage generator.
 - i. Other information as required by the Utility.
- (s) ADDITIONAL AUTHORITY. The City or the Utility may at any time establish specific connection and lateral charges for any main not covered by other provisions in this Ordinance or when the City or the Utility has made an extension and the user has failed to provide lateral or connection charges. It is further provided that the City may amend or alter any connection or lateral charge after its establishment under the terms of this Ordinance or previous ordinance or resolutions.

SEC. 5-3-5 REGULATIONS.

- (a) **GENERAL DISCHARGE PROHIBITIONS.** No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the Authority:
- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the wastewater facilities or wastewater treatment works.
 - (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.
 - (3) Any wastewater having a pH less than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.
 - (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in State or Federal Categorical Pretreatment Standards.
 - (5) A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in NR 215 of the Wisconsin Administrative Code.
 - (6) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.
 - (7) Any substance which may cause the City of Neillsville effluent or treatment residues, sludge, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.
 - (8) Any substance which will cause the City of Neillsville to violate its WPDES and/or other Disposal System Permits.
 - (9) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (10) Any wastewater having a temperature which will inhibit biological activity in the treatment works resulting in interference; but in no case, wastewater with a temperature at the introduction into the Publicly Owned Treatment Works which exceeds 40°C (104°F).
 - (11) Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single extraordinary discharge episode of such volume or strength as to cause interference to the Publicly Owned Treatment Works.
 - (12) Any unpolluted water including, but not limited to non-contact cooling water.
 - (13) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceeded limits established by the Authority in compliance with applicable State or Federal regulations.
 - (14) Any wastewater which causes a hazard to human life or creates a public nuisance.
 - (15) Any stormwater, surface water, groundwater, roof run-off or surface drainage or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with permission of the City of Neillsville.
- (b) **LIMITATIONS ON WASTEWATER STRENGTH.**
- (1) National Categorical Pretreatment Standards. National categorical pretreatment standards as promulgated by the U.S. Environmental Protection Agency shall be met by all Discharges of the regulated industrial categories.
 - (2) State Requirements. State requirements and limitations on discharges to the Publicly Owned Treatment Works shall be met by all Discharges which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable ordinance.
 - (3) Right of Revision. The Authority reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the Publicly Owned Treatment Works where deemed necessary to comply with the objectives set forth in this Ordinance.

- (4) Dilution. No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance.
- (5) Supplementary Limitations. The Authority may impose mass limitations on Dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.
- (6) Accidental Discharge.
 - a. Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.
 - b. Dischargers shall notify the Authority immediately upon the occurrence of a "slugload", or accidental discharge of substances prohibited by this Ordinance. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharge a slugload of prohibited materials shall be liable for any expense, loss or damage to the City of Neillsville wastewater facilities on wastewater treatment works, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.
 - c. Signs shall be permanently posted in conspicuous places on Discharger's premises, advising employee whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

SEC. 5-3-6 SEWER USER CHARGE SYSTEM.

- (a) DEFINITIONS. The following terms shall have the following meaning under this Ordinance:
 - (1) Debt Service Charges. All costs associated with repayment of debts incurred for the construction and/or rehabilitation of wastewater collection system and treatment facility.
 - (2) Normal Domestic Strength Wastewater. Wastewater with concentrations of BOD, suspended solids or phosphorus as defined on the rate schedule.
 - (3) Normal User. A user whose contributions to the sewerage system consist only of normal domestic strength waste water originating from a house, apartment, flat, or other living quarters occupied by a person or person constituting a distinct household, business or commercial enterprise.
 - (4) Operation and Maintenance Costs. All costs associated with the operation and maintenance of the wastewater collection and treatment facilities. These costs shall be divided proportionately among the various sewer users.
 - (5) Replacement Costs. All costs necessary to accumulate the resources to replace equipment as required to maintain capacity and performance. A separate segregated distinct replacement fund shall be established and used for only replacement of equipment.
 - (6) Sewer Service Charge. A service charge levied on users of the sewerage system for payment of capital expenses as well as the operation and maintenance costs, including replacement of said facilities.
 - (7) Policy. It shall be the policy of the City of Neillsville to obtain sufficient revenues to pay the costs of the operation and maintenance of the sewerage facilities, including a

replacement fund through a system of sewer service charges as defined in this Section. The system shall assure that each user of the sewerage system pays their proportionate share of the cost of such facilities.

(8) Basis for Service Charge.

- a. The minimum quarterly billing shall be sufficient to pay the billing and customer related administration expenses. The unit price per volume shall be sufficient to pay the remaining annual cost of operation and maintenance, including any replacement fund, of the sewerage facilities. The method for determining the user charges is given in the User Charge System.
- b. The rate in this Ordinance, shall be reviewed not less than biennially. Such review shall be performed by the City of Neillsville and the rates shall be adjusted, as required, to reflect actual number and size of users and actual costs. Users will be notified annually of the portion of service charges attributable to operation and maintenance.

(9) Sewer Service Charges. A sewer service charge is hereby imposed upon each lot, parcel of land, building, or premise served by the public sewer and wastewater facilities or otherwise discharging sewage, including industrial wastes, into the public sewerage system. Such sewer service charge shall be payable as hereinafter provided and in amount determinable as follows:

- a. CATEGORY A is defined as normal or domestic strength wastewater having organic concentrations of biochemical oxygen demand (BOD), suspended solids (SS), or phosphorus (P) as defined on the rate schedule. The sewer service charge for Category A wastewater in accordance to scheduled rates shall be collected.
- b. CATEGORY B is defined as wastewater having organic concentrations of Biochemical Oxygen Demand (BOD), suspended solids (SS) or phosphorus (P) as defined on the rate schedule. The sewer service charge for wastewater in accordance to scheduled rates shall be collected.

The Category B sewer service charge shall be computed in accordance with the formula presented below:

$$C = FQ + (V \times C) + .00625 V (B \times CB + S \times CS + P \times CP)$$

Where:

- T = Total sewer service charge
 FQ = Fixed quarterly charge
 B = Concentration of BOD in mg/l in the wastewater minus the amount of mg/l as defined on the rate schedule
 S = Concentration of suspended solids in mg/l in the wastewater minus the amount of mg/l as defined in the rate schedule
 P = Concentration of phosphorus in mg/l in the wastewater minus the amount of mg/l as defined in the rate schedule
 V = Wastewater volume in 1,000 gallons
 C = Cost per 1,000 gallons
 CB = Cost per pound of BOD
 CS = Cost per pound of suspended solids
 CP = Cost per pound of phosphorus
 .00625 = Conversion factor

- c. DISPOSAL OF SEPTIC TANK SLUDGE AND HOLDING TANK SEWAGE.
 1. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or public sewer unless a permit for disposal has been first obtained from the Building Inspector and shall state the name and address of the applicant; the number of its disposal units; and the make, model, and license number of each unit.
 2. Any person or party disposing of septic tank sludge or holding tank sewage agrees to carry public liability insurance in an amount not less than One Hundred Thousand Dollars (\$100,000) to protect any and all persons or property from injury and/or damage caused in any way or manner by an act,

- or the failure to act, by any of the person's employees. The person(s) shall furnish a certificate certifying such insurance to be in full force and effect.
3. All materials disposed of into the treatment system shall be of domestic origin, or compatible pollutants only, and the person(s) agrees that he will comply with the provisions of any and all applicable ordinances of the City of Neillsville and shall not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or flammable liquids, or other deleterious substances into the public sewers, nor allow any earth, sand, or other solid material to pass into any part of the wastewater treatment facilities.
 4. Persons with a permit for disposing of septic tank sludge and/or holding tank sewage into the wastewater treatment facilities shall be charged in accordance with scheduled rates.
 5. The person(s) disposing waste agrees to indemnify and hold harmless the City of Neillsville and the Utility from any and all liability and claim for damages arising out of or resulting from work and labor performed.

Amended: Ord. 967, 11/23/99

SEC. 5-3-7 CONTROL OF INDUSTRIAL AND SEPTAGE WASTES.

- (a) **INDUSTRIAL DISCHARGES.** If any waters, wastes or septage are discharged, or proposed to be discharge, to the public sewerage system contain substances or possess the characteristics enumerated in Sec. 5-3-5 and which, in the judgement of the Utility by the Building Inspector may be detrimental to the sewerage system, the City may:
 - (1) Reject the wastes.
 - (2) Require pretreatment to an acceptable condition for discharge to the sewerage system.
 - (3) Require a control over the quantities and rates of discharge.
 - (4) Require payment to cover the added cost of handling and treating the waste not covered by existing taxes or sewer charges under the provision of Sec. 5-3-4.
- (b) **CONTROL MANHOLES.**
 - (1) Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling their waste, including domestic sewage.
 - (2) Control manholes or access facilities shall be located and built in a manner acceptable to the Building Inspector. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Utility by the Building Inspector.
 - (3) Control manholes, access facilities, and related equipment shall be installed by the person discharging the industrial waste, their expense, and shall be maintained by the person discharging the waste so as to be in safe condition, accessible, and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Utility by the Building Inspector prior to the beginning of construction.
- (c) **MEASUREMENT OF FLOW.** The volume of flow used for computing the sewer service and the cost recovery charges for nonseptage disposal shall be based upon the water consumption of the person as shown in the records of meter readings maintained by the City of Neillsville Water Utility.
- (d) **PROVISION FOR DEDUCTIONS.** In the event that a person discharging industrial waste into the public sewers produces evidence satisfactory to the Utility by the Building Inspector that more than 10 percent of the total annual volume of water used for all purposes does not reach the public sewer, then the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the City and the industrial waste discharger.
- (e) **METERING OF WASTE.** Devices for measuring the volume of waste discharged may be required by the City of Neillsville if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of water shall be installed, owned, and maintained by the person discharging the wastewater. Following

approval and installation, such meters may not be removed without the consent of the Utility by the Building Inspector.

- (f) **WASTE SAMPLING.**
- (1) Industrial wastes and septage discharge into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said waste at least quarterly.
 - (2) Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the City.
 - (3) Testing facilities shall be the responsibility of the person discharging the waste or septage and shall be subject to the approval of the Utility or its duly authorized representatives at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.
- (g) **PRETREATMENT.** When required, in the opinion of the City, to modify or eliminate waste that are harmful to the structures, processes, or operation of the sewerage system, the discharger shall provide at their expense such preliminary treatment or processing facilities as may be required to render this waste acceptable for admission to the public sewers.
- (h) **GREASE AND/OR SAND INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided by the industrial discharger and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the discharger shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Utility by the Building Inspector. Any removal and hauling of the collected materials not performed by the discharger(s) personnel, must be performed by currently licensed disposal firms.
- (i) **ANALYSES.**
- (1) All measurements, tests, and analyses of the characteristics of water, waste and septage to which reference is made in the Ordinances shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and "Guidelines Establishing Test Procedures for Analysis of Pollutants," (1978, 40 CFR 136). Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Utility by the Building Inspector.
 - (2) Determination of the character and concentration of the industrial waste shall be made by the person discharging them or their agent, as designated and required by the City. The City may also make its own analyses of the wastes and these determinations shall be used as a basis for charges.
 - (3) If the person discharging the waste contests the determination, the City may elect to have an independent laboratory determine the character and concentration of the waste. Said independent laboratory shall be certified under NR 149 and be accessible to both the City and the person discharging the waste. All costs incurred by the independent laboratory in making the determination shall be assumed by the discharger.
- (j) **SUBMISSION OF INFORMATION.** Plans, specifications, and any other pertinent information relating to proposed flow equalization, pretreatment, or processing facilities shall be submitted for review of the City of Neillsville prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

SEC. 5-3-8 PAYMENT FOR CHARGES.

- (a) **PAYMENT AND PENALTY.** The sewerage service charge shall be for the corresponding period of the water bills, and shall be payable no later than 20 days after the end of each period. A one-time penalty of 3 percent per bill shall be added to all bills not paid by the date fixed for final payment.
- (b) **CHARGES A LIEN.** All sewerage charges shall be a lien upon the property serviced pursuant to Section 66.076(7), Wisconsin Statutes, and shall be collected in the manner therein provided.

- (c) **DISPOSITION OF REVENUE.** The amounts received from the collection of charges authorized by this Ordinance shall be credited to a sanitary sewerage account which shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, nonlapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the City, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs, and debt service of the sewerage system consistent with NR 162.11. Any surplus outside the preview of NR 162.11 in said account, shall be available for the payment of principal and interest of bonds issued and outstanding, or which may be issued, to provide funds for said sewerage system, or part thereof, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the City may resolve to pledge each surplus or any part thereof for any such purpose. All present outstanding sewer system general obligation bonds, including the refunding bonds, shall be paid from this fund as to both principal and interest.
- (d) **EXCESS REVENUES.** Excess revenues collected from a user class will be applied to operation and maintenance costs attributable to that class for the next year.

SEC. 5-3-9 AUDIT.

ANNUAL AUDIT. The City of Neillsville shall have conducted an independent Annual Audit, the purpose of which shall be to maintain the proportionately between users and user classes of the user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance, and replacement costs and debt retirement.

SEC. 5-3-10 VIOLATIONS AND PENALTIES.

- (a) **DAMAGES.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure of pertinence of equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- (b) **WRITTEN NOTICE OF VIOLATION.**
 - (1) Any person connected to the sewerage system found to be violating a provision of this Ordinance shall be served by the City of Neillsville with a written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
 - (2) Any licensed disposer discharging to the sewerage system, found to be violating a provision of this Ordinance or of any conditions of the Permit approval for septage disposal, may have their approval immediately revoked. This revocation shall be done in writing and state the reasons for revoking the septage disposal approval.
- (c) **ACCIDENTAL DISCHARGE.** Any person found to be responsible for accidentally allowing a deleterious discharge into the sewerage system which cause damage to the sewerage system and/or receiving water body shall, in addition to a fine, pay the amount to cover all damages, both of which will be established by the City of Neillsville.
- (d) **ACCIDENTAL DISCHARGE REPORTING.** Any person responsible for an accidental discharge, that may have a detrimental impact on the sewerage system, shall immediately report the nature and amount of the discharge to Utility by the Building Inspector and City Clerk-Treasurer.
- (e) **LIABILITY TO CITY OF NEILLSVILLE FOR LOSSES.** Any person violating any provision of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned by reason of such violation which the City may suffer as a result thereof.
- (f) **DAMAGE RECOVERY.** The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any part of the sewerage system damaged in any manner by any person by the performance of any work under their control, or by any negligent acts.

- (g) **PENALTIES.** Any person who shall violate any of the provision of this Ordinance or rules or regulations of the City of Neillsville or who shall connect a service pipe or discharge without first having obtained a permit therefor; or who shall violate any provisions of the Wisconsin Statutes, Wisconsin Administrative Code, or any other materials which are incorporated by reference, shall upon conviction thereof forfeit the amounts noted in Sec. 1-1-7 of this Code of Ordinances and the costs of persecution.
- (h) **APPEAL PROCEDURES.** Any user, affected by any decision, action, or determination, including cease and desist orders, made by the interpreting or implementing provisions of this Ordinance may file with the City Clerk-Treasurer a written request for reconsideration within ten (10) days of the date of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Utility shall render a decision on the request for reconsideration to the user in writing within fifteen (15) days of receipt of request. If the ruling on the request for reconsideration made by the Utility is unsatisfactory, the person requesting reconsideration may, within ten days after notification of the action, file a written appeal with the Common Council.

SEC. 5-3-11 VALIDITY.

- (a) **REPEAL OF CONFLICTING ORDINANCES.** All ordinances, resolution, orders or parts thereof heretofore adopted, enacted or entered in conflict with this Ordinance shall be and the same are hereby repealed.
- (b) **SAVINGS CLAUSE.** If any provision of this Ordinance is found invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision of application.
- (c) **AMENDMENTS.** The City of Neillsville, through its duly qualified governing body, may amend this Ordinance in part or in whole whenever it may deem necessary.

Created: Ord. 949, 7/22/97