

## CHAPTER 3

### Sewer Utility Regulations

#### ARTICLE A

##### General Regulations

#### **SEC. 9-3-1 SEWER SERVICE CHARGES ESTABLISHED.**

- (a) The Ordinance-Contract, numbered 0-33-82, to jointly reorganize the Neenah-Menasha Sewerage Commission and to contractually jointly establish the operation and administration of sewerage collection, treatment and disposal facilities is adopted by reference and is on file with the City Clerk, except for those provisions printed herein.
- (b) There is hereby assessed and levied upon each lot, parcel of land, building or premises, having connection with the Neenah-Menasha Sewerage System and wastewater treatment plant within the City of Menasha, a sewerage service charge as follows:
  - (1) There shall be a sewerage service charge for all users being served by the Menasha Water Utility, with the exception of those users being serviced by Sanitary District No. 4, based on a metered number of gallons of water each month and billed monthly with no penalty provisions for non-payment; however, nothing in this Section will prohibit penalty payments to be added at the end of the year where applicable by state law and nothing in this Section will prohibit unpaid bills at the end of the year from being forwarded to the County Treasurer for collection and adding same as a lien on the property served.
  - (2) Commencing in 1972, the charge in Subsection (b)(1) shall be determined semi-annually based on the capital and operational needs of the treatment plant, as determined through a user fee study and its implementation.
  - (3) Rate charges for industrial users may be changed other than annually after verification by the Commission as otherwise provided in this Chapter. Review of all rate charges shall take place at least semi-annually, based on annual operational and capital outlay requirements of the treatment plant.
- (c) The charge to the Neenah-Menasha Wastewater Treatment Plant for handling and treating wastes of any particular industrial plant shall be computed by the owner, subject to verification by the Neenah-Menasha Sewerage Commission. The Commission shall forward the verified information to the City Comptroller for billing. (For appropriate methods of metering industrial flow into the sanitary system, see Section 9-3-6(c).)

#### **SEC. 9-3-2 SEWER USER CHARGE SYSTEM.**

- (a) **PURPOSE.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City of Menasha to collect charges from all users who contribute wastewater to the City treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works and paying the annual debt service for capital expense constructing said treatment works.

(b) **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall be as follows:

- (1) Normal Domestic Wastewater shall mean wastewater that has a biochemical oxygen demand (BOD) concentration of not more than two hundred ten (210) mg/l and a suspended solids concentration of not more than five hundred ninety (590) mg/l.
- (2) Operation and Maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in Subsection (b)(3).
- (3) Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (4) Residential User shall mean any contributor to the City's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.
- (5) Commercial User shall mean all retail stores, restaurants, office buildings, laundries and other private business and service establishments.
- (6) Industrial User shall mean any non-residential User of the Regional System (after allowance for an exclusion granted by the Commission pursuant to Section 205(k)) which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under one of the following divisions:
  - Division A - Agriculture, Forestry and Fishing.
  - Division B - Mining.
  - Division D - Manufacturing.
  - Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
  - Division I - Services.

After applying the sanitary waste exclusion in Section 205(k) hereof (if the Commission chooses to do so), dischargers that have a volume exceeding 25,000 gpd or the weight of BOD or suspended solids equivalent to that weight found in 25,000 gpd of sanitary waste are considered Industrial Users. Sanitary wastes are the wastes discharged from residential users.

- (7) Institutional User shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.
- (8) Governmental User shall include legislative, judicial, administrative and regulatory activities of federal, state and local governments.
- (9) Significant Sewer User shall mean any sewer user that discharges wastewater that has a BOD concentration and/or suspended solids concentration greater than domestic wastewater.
- (10) Treatment Works shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well

facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (11) Useful Life shall mean the estimated period during which a treatment works will be operated.
  - (12) User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
  - (13) Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the City Water Utility.
- (c) **FUNDS; ADMINISTRATION OF FUNDS.**
- (1) All revenues collected, as a result of the user charge levied, shall be deposited into two (2) separate nonlapsing funds. The first fund shall be for operation and maintenance monies. The second fund shall be a segregated, interest-bearing account for the replacement fund monies.
  - (2) Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purposes than those designated.
- (d) **USER CHARGE BASES.** Each user shall pay for the services provided by the City wastewater plant based on his use of the treatment works as determined by water meter readings (or other appropriate methods) acceptable to the Common Council.
- (e) **RATE REVIEW; NOTICE.**
- (1) The Common Council will review the user charges at least bi-annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs, among users and user classes.
  - (2) The City Comptroller will notify each user, at least annually, of the rate being charged for operation and maintenance, including replacement of the treatment works.

### **SEC. 9-3-3 CREDIT SYSTEM FOR SUMMER WATER USAGE.**

- (a) **SUMMER TERM DEFINED.** The summer term will be the six (6) month period from the normal meter reading date by the Menasha Electric and Water Utilities personnel in the month of April to the normal reading date in the month of October. The remaining six (6) months will be defined or known as the winter term.
- (b) **PROVISIONS FOR NEW SUMMER CUSTOMERS.** New summer customers will be given an average based on a City-wide average approved by the utility. A minimum of three (3) winter months will be required to establish such an average.
- (c) **HOW ACCOUNTS SERVICED.** Only City residential accounts will be included on a computerized basis. All other accounts will be handled manually.
- (d) **CREDITS GIVEN.** Credits will be based on the sewer user fee and will apply on consumptions in excess of one hundred twenty percent (120%) of the winter averages. Said

one hundred twenty percent (120%) will be at least one thousand (1,000) gallons since meter readings are read in one thousand (1,000) gallon increments.

#### **SEC. 9-3-4 PLACE OF PAYMENT AND METHOD THEREOF.**

- (a) Payment for all service charge bills shall be payable within thirty (30) days following mailing for which such bill is rendered and shall be payable at such places as shall be determined from time to time by the Common Council and Water and Light Commission. There shall be a one and one-half percent (1-1/2%) per month late payment charge added to all sewer user fees commencing with the due date.
- (b) All utility bills for sewer for all customers shall be paid by the Menasha Utility to the City of Menasha each month. Any and all service may be disconnected as a means to enforce collection of the entire utility bill. Once per year, the General Manager of the Utility shall certify to the City Treasurer those bills deemed by him as uncollectible with administrative reasons therefor. After it has been made, the same shall be placed on the tax roll.
- (c) Should inspection by the Neenah-Menasha Sewerage Commission, Director of Public Works of the City of Menasha or their duly constituted agents reveal that any statement filed by an owner of an industry does not accurately represent actual conditions, the Sewerage Commission shall redetermine the charge due and forward the new computation to the City Comptroller in order that a new bill for the deficiency be sent to the industrial owner. This deficiency billing shall be retroactive to the last inspection date of the metering facilities of the industrial plant, by the duly authorized agents of the City of Menasha or the Neenah-Menasha Sewerage Commission. Interest charges shall be applied to the deficiency as provided for by law.
- (d) Any overpayment made by the owner will be refunded without interest on the owner's written application.
- (e) Notwithstanding any other provisions of this Subsection, whenever, through no fault of a sewer user, a water pipe breaks or advance permission is given by the Electric and Water Utilities to permit water to run due to adverse weather conditions so that a substantial and excessive amount of clear water is run through the meter, said user may petition the Manager of the Electric and Water Utilities for an adjustment on his sewer user fee based on the same criteria that the Public Service Commission uses when permitting adjustments for excessive water users.

#### **SEC. 9-3-5 LIENS.**

Each sewerage charge levied by and pursuant to this Chapter shall be a lien upon the corresponding premises served by the sewerage systems as provided by Sections 66.076 and 66.071, Wis. Stats.

#### **SEC. 9-3-6 INDUSTRIAL WASTE REQUIREMENTS.**

- (a) **PURPOSE.** The purpose of the Section is to delineate the requirements for accurate control of industrial wastewater contributions to the Neenah-Menasha Wastewater Treatment Plant from industries located in the City of Menasha.
- (b) **CRITERIA.**

- (1) Sewer users regulated under these requirements shall be determined by the Neenah-Menasha Sewerage Commission and the City of Menasha.

(c) **MEASUREMENT OF WASTES.**

- (1) Total Quantities. The total quantities of industrial wastes to be measured and certified by the owner shall be:
  - a. Liquid in gallons.
  - b. Five (5) day BOD in pounds.
  - c. Suspended solids in pounds, on a dry solids basis.
- (2) Sampling Chamber. In order to provide for accurate sampling of industrial wastes, commencing in January of 1972, each industrial plant involved with industrial wastes shall provide on each of its industrial waste outlet sewers a large manhole or sampling chamber to be located inside, outside or near its plant boundary line where feasible. If inside a plant fence, there shall be furnished a key to the Neenah-Menasha Sewerage Commission. There shall be ample room in or near each sampling chamber in order to accurately sample and composite the samples for analysis.
- (3) Liquid Quantity Measurements. Any industrial plant shall have the options as follows for measuring liquid quantity:
  - a. Each outflow pipe from the plant into the sanitary system shall have a sampling chamber that shall also contain a partial flume, accurate weir or similar device, with a recording and totalizing register for measurement of the liquid quantity; or,
  - b. The metered water supply to the industrial plant from the Menasha Water Utility where established that the metered water supply and waste quantities are approximately the same, plus or minus five percent (5%) or where a measurable adjustment can be made in the metered supply to determine the liquid quantity; or
  - c. The metered supply of water to the industrial plant from the Menasha Water Utility, along with the metered supply from lines that are drawing additional water from wells and waterways, where established that these metered water supplies and the waste quantities are approximately the same, plus or minus five percent (5%) or where a measurable adjustment can be made in the metered supply to determine the liquid quantity.
  - d. In no case may water intake metered by the Menasha Utility be used solely where there is water intake from wells and waterways.
  - e. Nothing in this Chapter or any contract will require an industry to install metering devices of a sophisticated and expensive nature merely because other industries are required to do so. Authority is delegated to the Neenah-Menasha Sewerage Commission in order to require installation meters of which the sole purpose is to accurately reflect the effluent flow and the mandatory requirement by the cities or the Commission that uniform meters be required in all industries is prohibited.
- (4) Sampling. Industrial plants with wide fluctuations in qualities of wastes, plus or minus fifteen percent (15%), will require an automatic sampler paced automatically by the flow measuring device with analysis every day of the year to maintain an accurate accounting. Minimum requirements for representative quantities shall include re-evaluation during each twelve (12) month period. The determination of representative quantities shall be set forth in individual contracts, together with acceptable flow measurements, as required by the Neenah-Menasha Sewerage

Commission for verification and certification. The frequency of sampling, sampling chamber, metering devices, refrigeration system, collection system, sampling methods and analysis of samples shall be subject at any time to the inspection and verification of duly constituted agents of the Neenah-Menasha Sewerage Commission.

- (5) Reporting. The owner shall submit monthly to the Neenah-Menasha Sewerage Commission, on forms provided and supplied by the Sewerage Commission, a certified statement of the quantities of its industrial wastes discharged. Such documents shall be filed with the Neenah-Menasha Sewerage Commission not later than the fifteenth (15th) day of the following month. A separate statement must be filed for each industrial plant for each metering system.
- (6) Unlawful Discharge. It shall be unlawful, except as provided for through individual contracts between the owners and the Neenah-Menasha Sewerage Commission, along with the City of Menasha, for any user to discharge waste in excess of the provisions of Section 9-3-6(c)(3) of this Chapter into the sanitary sewerage systems of the City of Menasha and the Neenah-Menasha Sewerage Commission or into any sewer connected therewith.
- (7) Control Manhole and Metering Installations.
  - a. All control manhole and metering devices, along with any water meters installed at well or waterway intakes, shall be installed and maintained at the expense of the owner. Metering systems shall be subject to the approval of the Neenah-Menasha Sewerage Commission or its duly constituted agents and the Commission shall have the authority to bring improperly maintained systems up to required standards, and the owner shall pay for any cost incurred.
  - b. All meters must remain installed unless authorization to remove the meter is approved by the joint action of the Director of Public Works and the Neenah-Menasha Sewerage Commission.
  - c. All control manhole and metering devices mentioned herein shall be purchased, installed, owned and maintained by the owner, except those meters under the control of the Menasha Utility.

#### **SEC. 9-3-7 BAKERIES, LAUNDROMATS, CAR WASHES, LAUNDRIES AND OTHER COMMERCIAL ESTABLISHMENTS.**

Bakeries, laundromats, car washes, laundries and other commercial establishments within the City of Menasha who have liquid quantities, BOD or suspended solid waste discharges shall be evaluated on an individual case basis by the Neenah-Menasha Sewerage Commission and the City of Menasha to determine if they shall be subject to all industrial requirements of this Chapter.

### **SEC. 9-3-8 REVENUES.**

All revenues derived from any sewerage service charges shall be used solely for budgeted and approved capital outlay, all debt retirement, operational expenditures, administrative costs or fines assessed against the Neenah-Menasha Wastewater Treatment Plant and the City of Menasha, one of the financial supporters of the plant, as a result of sewerage treatment.

### **SEC. 9-3-9 POWERS AND AUTHORITIES OF INSPECTORS.**

- (a) The Director of Public Works, the Building and Plumbing Inspector, the Superintendent of the Sewerage Plant and the duly authorized agents of the City or Commission, including those of the Electric and Water Utilities bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. They shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge into the sewerage systems of the City of Menasha and the Neenah-Menasha Sewerage Commission or into any connection therewith.
- (b) While performing the necessary work on private properties referred to above, the inspectors or the duly authorized employees of the City or the Neenah-Menasha Sewerage Commission shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City or the Neenah-Menasha Sewerage Commission shall indemnify the Company against loss or damage to its property by the City of Menasha or Sewerage Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the measuring and sampling operation, except as such may be caused by negligence or failure of the Company to maintain safe conditions. However, such inspectors may only make this inspection for the purpose of seeing that the provisions of this Chapter are complied with; provided, however, that no inspection shall be made without a warrant in the event that the occupant of the premises shall fail to give his consent to such inspection.

### **SEC. 9-3-10 NON-SEVERABILITY OF FUNDS.**

All funds received from the sewer user fee by all users within the corporate limits of the City of Menasha shall be placed in a separate fund and used solely for that purpose. The City Treasurer is hereby authorized and empowered to carry out the provisions in the spirit of this Chapter with any implementation he may deem necessary.

### **SEC. 9-3-11 PRETREATMENT REQUIRED.**

- (a) If any sewerage shall be discharged or shall be proposed to be discharged, directly or indirectly, into the public sewers, and which shall either be prohibited by or shall not meet the standards set out in this Chapter, or which, in the judgment of the City, may have a harmful effect upon the public sewers, the treatment plant or any public waters, or which otherwise creates a hazard to health or life or constitutes a public nuisance, the City may take

any or all of the following steps:

- (1) Reject the discharge; or
  - (2) Require pretreatment; or
  - (3) Require control over quantities or rates of discharge; or
  - (4) Impose surcharges to cover the added cost of measuring, analyzing, handling and treating the discharge; or
  - (5) Discontinue water service.
- (b) The design and installation of any plant or equipment for pretreatment or control of quantities or rates of discharge shall be subject to the review and approval by the City. Grease, oil and sand traps shall be provided when necessary for the proper transmission and treatment of sewerage containing grease, any flammable waste, sand or any other harmful ingredient. Any trap required under this Section shall be of a type and capacity approved by the City and shall be located at a place easily accessible for cleaning and inspection. Any facilities for pretreatment or the control of quantities or rate of discharge, or interceptors, shall be operated and maintained continuously in satisfactory and effective condition by the owner at his expense and shall be available for inspection by the City and Commission at all reasonable times.

#### **SEC. 9-3-12 GARBAGE DISPOSAL SYSTEMS.**

Any garbage shredder equipped with a motor of three-fourths (3/4) horsepower or greater shall be installed or used in any building connected directly or indirectly to a public sewer only upon prior written approval of the Commission. The Commission shall not approve any garbage shredder which does not shred garbage to a degree of fineness so that no particle is greater than one-half (1/2) inch in any dimension or which otherwise results in the discharge of sewerage prohibited by this Chapter.

#### **SEC. 9-3-13 SEWER SERVICE CHARGES AND SURCHARGES; BILLING.**

- (a) Every owner from whose property sewerage is discharged to a public sewer, either directly or indirectly, shall be charged for the use of the sewerage system and the treatment plant. Charges for such use shall consist of a service charge for the collection, treatment and disposal of normal sewerage, and surcharges for the treatment and disposal of waste components appearing in concentrations greater than those in normal sewerage, or for the treatment and disposal of prohibited substances, or for sampling, measurement and analysis performed by the City or the Commission. Service charges shall be based on the volume of sewerage discharged by an owner into the sewerage system as hereinafter provided. Surcharges for excessive concentrations of waste components shall be based on the quantity of waste components discharged into the sewerage system in excess of those appearing in normal sewerage and shall be determined by the methods prescribed by this Chapter. Other surcharges shall be based on the actual cost to the City and the Commission, as estimated by them.
- (b) (1) The volume of sewerage discharged into the sewerage system during any period shall be determined either by [a] measurement of such discharge during such period by a meter installed and maintained by the owner at his expense and in a manner satisfactory to the City, or [b] by measurement of the quantity of water generated by or delivered to the owner from all sources during such period, less the quantity of

any such water which shall not be discharged into the sewerage system during such period. The quantity of water delivered to the owner by the City shall be measured by the City's water meter. The quantity of water generated by or delivered to the owner from any source other than the City shall be measured by a meter installed and maintained by the owner at his expense and in a manner satisfactory to the City.

- (2) Any quantity of such water not discharged into the sewer system may be excluded in computing the service charge if the quantity thereof shall be measured as hereinafter provided upon written application for such exclusion reviewed by the Finance Committee of the Common Council and approved by the Common Council. Measurement of water not discharged into the sewerage system shall be by a meter purchased from the City and installed and maintained at the expense of the owner and in a manner satisfactory to the City, served by the Menasha Electric and Water Utilities. Such meter shall be read, tested and repaired by the City's duly constituted agency, the Menasha Electric and Water Utilities. During any period in which such meter shall fail to register or shall fail to register properly, the amount of discharge during such period shall be estimated by the City's agent aforementioned. The owner shall pay a quarterly charge for the reading, testing and repairing of such meter, which charge shall be based on the meter size, as follows:

<u>Meter Size</u>	<u>Quarterly Charge</u>
5/8"	\$
3/4"	\$
1"	\$
1-1/2"	\$
2"	\$
4"	\$
6"	\$
8"	\$

- (c) Service charges shall be \$\_\_\_\_\_ per one thousand (1,000) gallons of normal sewerage discharged into the sewerage system.
- (d) Surcharges during any period for excessive concentrations of waste components shall be determined as follows, concentrations being expressed in milligrams per liter:
- (1) For B.O.D.: \$\_\_\_\_\_ x (actual concentration - \_\_\_\_\_) per each 1,000 gallons of sewerage discharged into the sewerage system during such period.
- (2) For suspended solids: \$\_\_\_\_\_ x (actual concentration - \_\_\_\_\_) per each 1,000 gallons of sewerage discharged into the sewerage system during such period.
- (e) If an owner shall disagree with the analysis, measure or estimate on which a charge or surcharge is based, he may request, in writing, an additional sampling, analysis or measurement which shall be conducted at his expense in a manner acceptable to the City and Commission.
- (f) The provisions of Section 9-3-11 shall not be applicable to any owner which shall have entered into a contract with the City for the treatment of industrial wastewater.
- (g) Subsections (b), (c) and (d) of this Section as pertaining to rates may, by an enabling resolution, be changed no more than twice each year and when passed by resolution by the Common Council have the effect and force of law.
- (h) Industrial metering and sampling of all contract users shall begin as of December 26, 1973, as approved by the Neenah-Menasha Sewerage Commission and in the event this

Ordinance is passed and approved beyond that date the industrial metering and sampling procedures as approved by the Commission shall be retroactive to December 1, 1973. Billing for metering and sampling charges shall be based on actual individual metering and sampling.

- (i) The City may impose a surcharge to the sewer bill to any sewer service user who violates any provision of this ordinance relating to:
  - a. Allowing authorized City representatives to enter on private property for the purpose of inspections to insure compliance with the terms of sec. 9 – 13.
  - b. Failing to remove, replace, or repair any improper connections to the sanitary sewer system.
  - c. Compliance with the scheduling of any testing procedure designed to implement the intent of sec. 9 - 13.
- (j) The surcharge imposed pursuant to sec. 9 – 13 – 11 (i) shall be:
  - a. For residential properties of two or less dwelling units - \$50/month.
  - b. For commercial properties less than 2000 square feet - \$300/month.
  - c. For residential properties three or four dwelling - \$300/month
  - d. For residential properties greater than four dwelling units - \$1000/month.
  - e. For commercial properties 2000 square feet or greater - \$1000/month.
  - f. For industrial sewer use properties – as determined by the Board of Public Works upon the recommendation of the Director of Public Works.
  - g. The Director of Public Works is empowered to determine the sewer user category.
- (k)
  - a. The Director of Public Works shall notify the Finance Department to levy the surcharge when necessary.
  - b. The Director of Public Works or his/her designee shall notify the property owner and resident that such surcharge will be levied. At least one such notice shall be by registered mail, return receipt requested. A signed receipt and/or notice that delivery has been refused shall constitute notice sufficient to impose the surcharge.
  - c. Prior to imposing a surcharge for failure to remove, replace, or repair any improper connection, the Director of Public Works shall give the owner and /or resident at least 60 days for such removal, replacement or repair. Additional time may be granted at the discretion of the Director of Public Works.
- (l) The provisions of sec. 9-13-11 (i) – (k) are in addition to any other enforcement provisions provided for in sec. 9-13.

#### **SEC. 9-3-14 PROVISIONS OF INDUSTRIAL USER FEE AGREEMENT INCORPORATED PERTAINING TO COLLECTION AND TREATMENT.**

- (a) To permit the accurate measurement and sampling of the sewerage of the company being discharged to the sewerage system, the company, at its expense, shall install the facilities, equipment and devices and shall utilize such methods as are specified in Exhibit 1 of the User Fee Contract dated October 17 and 18, 1972, which is incorporated by reference.
- (b) The quantity, quality and composition of the sewerage of the Industrial Fee User discharged to the sewerage system shall be measured, sampled and tested by the Commission. All measuring, sampling and testing shall be conducted in a manner so as to accurately reflect the quality, quantity and composition of the sewerage of said user being discharged to the sewerage system and shall be conducted in accordance with uniform procedures as may be specified from time to time in Standard Methods for the Examination of Water and

Wastewater, published by the American Health Association, the American Water Works Association and the Water Pollution Control Federation or in accordance with other procedures as may be agreed upon by the City, the Commission and the User.

- (c) The Commission shall, on or before the 10th day of each month, submit to the Company a statement of the quantity, quality and composition of the sewerage of the Industrial User as discharged into the sewerage system during the preceding month.
- (d) The City and Commission shall have the right of free access subject to reasonable safety regulations of the Industrial Fee User to the measuring, metering and sampling facilities, equipment and devices specified herein, and may inspect and approve or reject said facilities, equipment and devices used by said User for measuring, metering and sampling the quantity, quality and composition of the sewerage of the Industrial Fee User being discharged into the sewerage system. The Commission shall maintain and repair flow meters and wastewater samplers only and shall calibrate said components to operate within reasonable limits of accuracy.
- (e) The Commission shall keep accurate records of all costs incurred which are directly related to the determination of Service Charges and Rent for the company, including but not limited to:
  - (1) Maintenance and repair of flow meters and wastewater sampling devices used as specified herein.
  - (2) Collection of data indicating the quantity, quality and composition of a user's sewerage such as flow, BOD or SS, or other factors as may subsequently be adopted.
  - (3) Laboratory testing of an Industrial Fee User's sewerage to determine the quality and composition of that User's sewerage such as BOD or SS, or other factors as may subsequently be adopted;and such costs shall be paid to the Commission annually by the Industrial Fee User on a basis to be determined by dividing said total annual costs accrued as described above, by the number of metering and sampling installations whose Service Charges and Rent are computed as provided in the Agreement.

#### **SEC. 9-3-15 DUMPING DELETERIOUS SUBSTANCES INTO SEWER PROHIBITED.**

- (a) Stormwater and all other unpolluted drainage may be discharged to such sewers or to a natural outlet approved by the Director of Public Works; industrial cooling water or unpolluted process waters may be discharged on approval of the Director of Public Works to a sewer or natural outlet.
- (b) No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:
  - (1) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity to injure or interfere with any sewerage treatment process constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewerage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
  - (2) Waters or wastes having any corrosive property capable of causing hazard to structures, equipment and personnel of the sewerage works.
  - (3) Solid or viscous substances in quantities of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal,

glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (c) No person shall discharge or cause to be discharged the following-described substances, material, waters or wastes if it appears likely in the reasonable opinion of the Superintendent that such wastes can materially harm either the sewers, sewerage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, pretreatment of the wastes, nature of the sewerage treatment process, capacity of the sewerage treatment plant, degree of treatability of wastes in the sewerage treatment plant and other pertinent factors. The substances are:
- (1) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees celsius).
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
  - (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
  - (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewerage at the sewerage treatment works exceeds the limits established by the Superintendent for such materials.
  - (6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewerage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
  - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable Federal or State regulations.
  - (8) Any waters or wastes having a pH in excess of 10.0 or a pH lower than 5.5.
- (d) (1) The substances which may be prohibited are:
- a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewerage treatment works.
  - c. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (2) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics

enumerated in Subsection (c), the Commission may:

- a. Reject the wastes;
  - b. Require pretreatment to an acceptable condition for discharge to the public sewers;
  - c. Require control over the quantities and rates of discharge; and/or
  - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- (e) Grease, oil and sand interceptors shall be provided and properly maintained when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.
- (f) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. The Superintendent or his authorized agent shall have the duty to inspect such facilities at least once a year and at such other times as he shall find reasonably necessary to insure proper operation.
- (g) When required by the Superintendent, the owner of any properties serviced by a building sewer carrying industrial waste shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Said manhole, meters and other appurtenances shall be in accordance with the standards established by the Commission or as established by agreement between the Commission and any person. The manhole, meters and other appurtenances shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- (h) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb and property.
- (i) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City, Commission and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Commission for treatment, subject to payment therefor, by the industrial concern.
- (j) It shall be the duty of the Superintendent to enforce the provisions of the Chapter and he shall make or cause to be made periodic inspections and inspections upon complaint to insure that such provisions are not violated. The Superintendent may request the City Attorney or Commission Attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violations or commence an action for collection of forfeiture or penalty as provided in the penalty chapter of the Code.
- (k) Any person who shall violate any provision of this Chapter shall, in addition to the penalty hereinbefore provided, be liable at the suit of the City for the City's costs of removing such

obstruction and of repairing any injury resulting therefrom.

#### **SEC. 9-3-16 BUILDING SEWERS AND CONNECTIONS.**

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public interceptor sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works.
- (b) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City or the Commission from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.
- (d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this Chapter.
- (e) The size, slope alignment, materials of construction of a building sewer and the methods to be used in excavation, placing of the pipe, jointing, testing and back-filling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City.
- (f) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewerage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (g) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a sanitary sewer.
- (h) The connection of the building into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gas-tight and watertight.
- (i) The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspecting and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works or his representative.
- (j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- (k) If the condition of a sewer lateral is found to have major defects the sewer lateral shall be repaired. If the defects are within the street right of way the City shall make the repair at no cost to the home owner. If the defects are outside the street right of way the owner shall repair or cause to be repaired the sewer lateral within 30 days of written notification from the Department of Public Works. If the owner does not repair the damaged lateral, the City shall repair the lateral at the owner's expense. Major defects include, but are not limited to:
  - (1) Cracks greater than ¼" wide;
  - (2) Offset joints of greater than ½";
  - (3) Any location where ground is exposed;
  - (4) Excessive infiltration of greater than an estimated 1 gallon per minute;
  - (5) Holes in the pipe;

- (6) Severe sags in the pipe where greater than ½ of the pipe is full of water.
- (1) Sewer Lateral Repair Program
- (1) Purpose. The City of Menasha finds it necessary and in the public interest to offer owners whose building sewer lateral is found to have major defects financial assistance in the form of an installment repayment plan in an effort to ensure sewer laterals are quickly repaired. Sewer laterals with major defects allow groundwater to illicitly enter the city sewer which can overwhelm the sanitary sewer system resulting in basement backups or sanitary sewer overflows. The infiltration of groundwater into the sanitary sewer system also leads to significant excess costs incurred by the City of Menasha from the Neenah Menasha Sewerage Commission. In addition, it is in the best interest of the City and resident to have all major defects within a sanitary sewer lateral repaired prior to any paving work being completed.
- (2) Application. Application and programs procedure details can be found at the Public Works Department at Menasha City Center, 100 Main Street, 2<sup>nd</sup> Floor. Two estimates from a licensed professional must accompany the application when it is filed.
- (3) Requirements. The program is available to property owners whose building sewer lateral has been identified by the Director of Public Works or designee to have major defects in need of immediate repair due to its detrimental effect on the City's sewer system or potential effect on upcoming paving projects.
- (4) Installment Repayment Plan. Under the installment repayment plan an amount up to Five Thousand Dollars (\$5,000.00) may be applied for to pay for building sewer lateral repair. (1) Repayments less than or equal to Five Hundred Dollars (\$500.00) shall be paid to the City Treasurer without interest within thirty (30) days of billing. (2) Repayments greater than Five Hundred Dollars (\$500.00) but less than or equal to Two Thousand Five Hundred Dollars (\$2,500.00) may be paid in five equal installments due and payable on or before November 1 commencing with the year during which the repair occurred and each November 1, thereafter, together with the interest as assigned. Interest shall accrue at the rate the City has borrowed the money plus 1% for administrative expenses. Alternatively, interest shall be set at a rate established by the Common Council. (3) Repayments greater than Two Thousand Five Hundred Dollars (\$2,500.00) may be deferred for the initial five years after which the repair occurred. Thereafter repayment shall be made in five equal installments due and payable on or before November 1 commencing with the sixth year after the billing date for the repair and each November 1 thereafter, together with the interest as assigned. Interest shall accrue at the rate the City has borrowed the money plus 1% for administrative expenses. Alternatively interest shall be set at a rate established by the Common Council. The City Comptroller shall enter the first installment due on the subsequent year's tax roll as a special tax on the property on which the special assessment was levied, and thereafter this tax shall be treated in all respects as any other City tax, and one of the subsequent installments shall be included in like manner and with like effect in each of the annual tax rolls thereafter until all are collected. (4) If any installment so entered in the tax roll shall not be paid to the City Treasurer with the other taxes it shall be returned to the county as delinquent and accepted and collected by the county in the same manner delinquent general taxes on real estate.

## SEC. 9-3-17 DEFINITIONS.

The following definitions shall be applicable in this Chapter, unless specified otherwise or superseded:

- (a) **BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen, utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.
- (b) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (c) **BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal.
- (d) **CHLORINE REQUIREMENT.** The amount of chlorine, in parts per million by weight, which must be added to sewerage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods."
- (e) **COMMISSION.** The Neenah-Menasha Sewerage Commission as established by Section 144.07, Wis. Stats., and "City" shall mean the City of Menasha.
- (f) **GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (g) **INDUSTRIAL WASTES.** The liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary sewerage.
- (h) **NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.
- (i) **PERSON.** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (j) **pH.** The logarithm (base 10) of the reciprocal of the hydrogenion concentration expressed in moles per liter. It shall be determined by one (1) of the procedures outlined in Standard Methods for the Examination of Water and Wastewater.
- (k) **PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- (l) **PUBLIC SEWER.** A sewer provided by or subject to the jurisdiction of the Commission or City. It also includes sewers within or outside the City boundaries that serve one (1) or more persons and ultimately discharge into the City sanitary systems, even though those sewers may not have been constructed with City funds.
- (m) **SANITARY SEWER.** A sewer that conveys sewerage or industrial wastes or an combination of both and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.
- (n) **SUSPENDED SOLIDS.** Solids that either float on the surface or are in suspension in an industrial waste mixture and which are removable by laboratory filtering.
- (o) **SEWERAGE.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (p) **SHALL** is mandatory. **MAY** is permissive.

- (q) **SLUG.** Any discharge of water, sewerage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
- (r) **SEWERAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewerage.
- (s) **STORM DRAIN (SOMETIMES TERMED "STORM SEWER").** A sewer which carries storm and surface waters and drainage, but excludes sewerage and industrial wastes, other than unpolluted cooling water.
- (t) **SUPERINTENDENT.** The superintendent-engineer of the Neenah-Menasha Sewerage Commission or his authorized deputy, agent or representative.
- (u) **WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently.

#### **SEC. 9-3-18 CAPACITY STUDY FOR NEW CONNECTIONS.**

No new or additional sewer connections that feed the Neenah/Menasha Sewerage Commission Plant may be made when engineering studies or the Department of Natural Resources has determined that there is insufficient capacity to handle the same.

### **SEC. 9-3-19 SEWER SERVICE BILLING.**

- (a) All utility bills for sewer for all customers shall be paid by the Menasha Utility to the City of Menasha each month. There shall be a one and one-half percent (1-1/2 %) late payment charge added to all sewer user fees per month commencing with the due date.
- (b) Any and all service may be disconnected as a means to enforce collection of the entire utility bill.
- (c) Once per year the general manager of the Utility shall certify to the City Treasurer those bills deemed by him as uncollectible with administrative reasons therefor. After it has been made, the same shall be placed on the tax roll.

### **SEC. 9-3-20 DISCHARGE PERMIT REQUIREMENTS FOR SIGNIFICANT SEWER USERS**

- (a) **PURPOSE.** The purpose of this Section is to establish the discharge permit requirements for significant sewer users. All significant sewer users as defined in Section 9-3-2(b)(9) shall be required to construct and maintain monitoring facilities and to monitor their wastewater discharge at a frequency determined by the City to determine the BOD and suspended solids loadings greater than domestic strength wastewater (See Section 9-3-2(b)(1)). This Section does not apply to NMSC contract users.
- (b) **WASTEWATER DISCHARGE PERMITS.** Each significant sewer user shall be issued a wastewater discharge permit by the City. The permit shall contain the following information and requirements:
  - (1) Description of facility and sources of wastewater.
  - (2) Description of monitoring facility including location, flow element, and monitoring equipment.
  - (3) Requirements for flow meter calibration at discharger expense.
  - (4) Requirements for monitoring station maintenance and repairs.
  - (5) Notice to City two weeks prior to any change in process that affects the characteristics of wastewater discharge (Flow, BOD, suspended solids).
  - (6) Monitoring frequency and requirements.
  - (7) Payment by significant users for monitoring.
  - (8) Reporting requirements.
  - (9) Access to monitoring facilities by City authorized representatives.
  - (10) General conditions.
- (c) **MONITORING FACILITY REQUIREMENTS.**
  - (1) Any significant sewer user discharging wastes into a sanitary sewer may be required to construct and maintain one or more control manholes or access points to facilitate observation, measurement, and sampling of its wastes, including domestic sewage. The location, monitoring equipment, and construction of monitoring facilities shall be acceptable and approved by the City. There shall be ample room in or near the monitoring facility to allow accurate sampling and preparation of samples for analysis. Monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Monitoring facilities and associated equipment shall be installed and maintained by the significant sewer user at its own expense, so as to be in safe condition, accessible, and in proper operating condition at all times. Plans and specifications for monitoring facilities and related equipment shall be approved by the City prior to construction.
  - (2) Should the City determine that the control manhole or access facility and related

equipment is not in a safe, accessible condition and in proper operating condition, the City will issue an order to correct the deficiency. The correction will be performed by the significant sewer user, at its own expense, within 2 weeks of the order. Should the correction not be initiated within 2 weeks of the order, the City shall have the authority to bring the facilities up to the required standards, and the significant sewer user shall pay for any and all cost incurred.

- (3) Flow meter calibration shall be performed by a certified technician at a frequency recommended by the manufacturer.
- (d) **SAMPLING REQUIREMENTS.** The characteristics of the wastewater discharged into the public sewers shall be determined by monitoring at a frequency determined by the City. Metering and sampling shall be performed in such a manner as to be representative of the flow of composition of the wastewater. Twenty-four hour composite samples shall be obtained through flow proportional composite sampling techniques. The City may waive flow proportional composite sampling for any significant sewer user that demonstrates that flow proportional sampling is not feasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the significant sewer user demonstrates that this will provide a representative sampling of the wastewater discharged. Access to sampling locations, pretreatment facilities, and records of wastewater monitoring shall be granted to the City or its duly authorized representative 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. All costs for wastewater metering and sampling shall be paid by the significant sewer user.
- (e) **WASTEWATER ANALYSIS.** All measurements, tests, and analysis of the characteristics of waters and wastewaters to which reference is made in this Chapter shall be determined in accordance with the latest approved edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and with the Federal Regulations 40CFR 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants." Sampling methods, location, time, durations, and frequencies are to be determined on an individual basis by the City. Determination of the character and concentration of the industrial wastes shall be made by the facility discharging them, or its agent, as required by the discharge permit. The wastewater flow and loading shall be the basis for sewer user charges. All costs for wastewater analysis shall be paid by the significant sewer user.
- (f) **CONFIDENTIAL INFORMATION.** Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction unless the Discharger specifically requests confidentiality and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the Discharger. When requested by a Discharger furnishing a report, the portions of a report that may disclose trade secrets or secret processes shall not be made available for inspection to the public, but shall be made available upon written request to governmental agencies for use related to this Chapter, the Federal, or State pretreatment programs, WPDES permit and/or a local pretreatment program provided, however, that such portions of a report shall be made available for use by the State or any agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency or to the general public by the City until and unless

a ten (10) day notification is given to the Discharger.

**SEC. 9-3-21 THROUGH 9-3-29      RESERVED FOR FUTURE USE.**