

Title 9 Public Utilities

Chapter 01 Water Utility

Division 1 General Provisions

9.01.11 Compliance with Rules

- A. All persons now receiving a water supply from the City of Onalaska Water Utility, or who may hereafter make application therefor, shall be considered as having agreed to be bound by the rules and regulations as filed with the Public Service Commission of Wisconsin.

9.01.12 Establishment of Service

- A. Application for water service shall be made in writing on a form furnished by the Public Works Department. The application shall require the legal description of the property to be served, name of the owner, the exact use to be made of the service, and the size of the supply pipe and meter desired. (Note: particularly any special refrigeration and/or air-conditioning water-consuming appliances).
- B. Service will be furnished only if:
 - 1. Premises have a frontage on a properly platted street or easement in which a ductile iron or other long-life water main has been laid, or where property owner has agreed to and complied with the provisions of the City specifications.
 - 2. Property owner has installed or agrees to install a service pipe from the curb line to the point of use, and laid not less than six (6) feet below the surface of an established or proposed grade, and according to Utility's specification; and
 - 3. Premises have adequate piping beyond metering point.
- C. The owner of a multi-unit dwelling has the option of being served by individual metered water service to each unit if it is under eight (8) units. If it is over eight (8) units, the property must be served by a master meter. The owner, by selecting this option, is required to provide interior plumbing and meter settings to enable individual metered service to each unit and individual disconnection without affecting service to the other units. Each meter and meter connection will be a separate water utility customer for the purpose of the filed rules and regulations.
- D. No division of the water service of any lot or parcel of land shall be made for the extension and independent meterage of the supply to an adjoining lot or parcel of land. No division of a water supply service shall be made at the curb for separate supplies therefrom for two (2) or more separate premises having frontage on any street or easement whether owned by the same or different parties, unless approved by City Engineer and each metered location has an individual curb stop shut off.
- E. The City Engineer is hereby empowered to withhold approval of any application wherein full information of the purpose of such supply is not clearly indicated and set forth by the applicant property owner.
- F. Accounts shall be maintained and billed in the name of the property owner unless otherwise required by Statute or Administrative Code.

9.01.13 No Claims for Damages and Inspections

- A. No person using water shall enter a claim against the City as a Water Utility or any officer thereof, for damages to any fixtures or appurtenance by reason of interrupted water supply or variation of pressure, or for damage of any nature caused by turning off or on, either partially or entirely, of the water supply for any premises, either for the repairs or alterations of any water main, or for the discontinuance of the service to their premises for violation of any rule or regulation of the Water Department. No claims will be allowed against the Utility or the City on account of interruption of supply caused by breaking of pipes or by stoppage for repairs or fire or other emergency. In case of a probable stoppage of water supply when time of interruption can be forecast, every reasonable attempt will be made by the Water Department to acquaint the users with the action proposed.
- B. During reasonable hours any officer or authorized employee of the Utility shall have the right of access to the premises supplied with service, for the purpose of inspection or for the enforcement of the Utility's rules and regulations. As required by the Public Service Commission, the Utility will make a systematic inspection of all unmetered water taps for the purpose of checking waste and unnecessary use of water. If entry to the premises is denied, the authorized inspector may seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.

9.01.14 Private Well Abandonment and Permits

- A. **Purpose.** Residents of the City of Onalaska depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute regulations and restrictions to protect the city's municipal water supply and well fields and to promote the health, safety and general welfare of the residents of the City of Onalaska.
- B. **Applicability and Authority.** These regulations are established pursuant to the authority granted by the state legislature in 1983, Wisconsin Act 410 (effective May 11, 1984) which specifically added groundwater protection to the statutory authorization for municipal planning and zoning in order to protect the public health, safety and welfare. This ordinance applies to all wells located within the City's corporate limits. Water Utility customers outside the jurisdiction of the municipal water system may be required under contract agreement or utility rules to adopt and enforce equivalent ordinances within their jurisdiction for purpose stated in Subsection A. above.
- C. **Use of Private Wells; Use of Water Supply.**
1. **Private Well Abandonment Generally.** All structures and buildings used, or intended to be used, for human habitation shall connect to the municipal water supply within one (1) year of the availability of said water. All private wells shall, within ninety (90) days after connection to the City water supply, be permanently abandoned pursuant to Subsection 9.01.14.C.6. below unless the owner or owners obtain a well operation permit from the City of Onalaska Water Utility. In the event permission is granted to use a private well, it is expressly provided that the water therefrom shall be used on outside hose bibs only.
 2. **Well Operation Permit.** A permit may be granted to operate a well if the following requirements are met, except as otherwise provided herein:
 - a. The well and pump installation meet the requirements of Wis. Admin. Code NR 812 and subsequent amendments, a well constructor's report is on file with the DNR or certification of the acceptability of the well has been granted by the private water supply section of the DNR.
 - b. The well construction and pump installation have a history of producing 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 state department of natural resources approves in writing the continued use of the well.
 - c. The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
 - d. No physical connection shall exist between the piping of the public water system and the private well. The City may elect to do a cross connection inspection to verify compliance.
 - e. A permit fee shall have been paid once every five (5) years in an amount determined annually by the City Council and set forth on the City Fee Schedule.
 3. **Additional Conditions of Permit.** The right to construct, install and maintain a well as authorized by permit under this section shall be expressly conditioned upon the owners and successors in interest complying with the following:
 - a. The owner shall permit the Water Utility or its designee access to the well for inspection and testing at anytime during working hours.
 - b. No repair or modification of any well may be performed unless prior notification is given to the Water Utility and the plan and resulting construction is reviewed and inspected by the City Engineer or designee.
 - c. The City shall have the right to sample the water after completion of any such repairs or modification. Such sampling shall be at the owner's cost and may either be done by the City or by the owner at the City's direction.
 - d. The City shall have the right to randomly test or direct the owner to test the well not more than two (2) times in any six (6) month period. The City may require additional testing if there is reason to believe some contamination may be present or that the results of previous tests may be invalid.
 - e. The cost of any testing and sampling as provided in this Section shall be paid by the owner upon invoice by the City.
 - f. A permit issued in accordance with the provisions of this Section shall be revoked by the City Engineer or designee upon notice to the permittee that any of the following have occurred:
 1. The owner of the well has refused access to a well for testing or has failed to follow a direction of order of the Water Utility in regard to testing or sampling.
 2. The owner of any well has neglected to pay for any tests authorized with thirty (30) days of billing invoice.
 3. Any test results demonstrate well contamination and do not meet reasonable health standards or are in violation of any state or municipal ordinance dealing with well operation.

4. The parties aggrieved by permit revocation may appeal the initial decision of the water superintendent to the Board of Public Works by filing a written for review with the City Clerk.
4. **Application for Permit.** Applications for a well operation permit shall be made in writing by the owner or owners of the well to the City of Onalaska Water Utility. Application shall be upon a form provided by the Water Utility and shall be made concurrently with the application for a plumbing permit to connect the premises with municipal water. A fee as determined by the City of Onalaska Common Council and reflected on the City's Fee Schedule shall accompany the well operation permit application. Applications for a well operation permit must be approved by the City Engineer, upon approval by the City Engineer the application will be forwarded to the Board of Public Works and the Common Council for approval. Applications to drill a new well shall require a separate application for new well in addition to the well operation permit, the application to drill a new well shall be on a form provided by the City Engineer's office and shall require a needs assessment and any other information deemed necessary by the City Engineer and shall be reviewed in conjunction with the well operation permit. The application to drill a new well shall be accompanied with the applicable permit fee.
5. **Terms of Permit.** The well operation permit shall be valid for five (5) years from the date of issuance.
6. **Renewal Permit.** Renewal permits shall be issued for the term and upon payment of the permit fee hereinabove mentioned. Renewal Well Operation Permits are subject to the same conditions as initial Well Operation Permits, as outlined in Subsection 9.01.14.C.3. above. The owner or owners shall certify when applying for a renewal permit that the well is in good operable condition and is in conformity with all applicable state and local laws and shall provide proof of safe water by providing at least one (1) sample, having been taken within two (2) weeks of the date of application. In the event the first sample fails, the owner can provide an additional two (2) samples taken a minimum of two (2) weeks apart to verify that the first sample was related to domestic hygiene issues and not well safety problems. No exception to this condition may be made for unsafe wells unless the State Department of Natural Resources approves in writing the continued use of the well. In the event it is found, upon any inspection, that any cross connection has been made between the municipal water supply system and the piping of a private well water system, or that the well equipment is inoperable, or does not meet state or local regulations, all permits shall be immediately suspended. In the case of a cross connection, the permit shall be revoked and the well ordered properly abandoned in accordance with applicable ordinances. In the event any inspection results in a suspension of a permit and a second inspection is made to determine if the reason for suspension has been eliminated, the owner shall bear the cost of any re-inspection fee as set forth on the Inspection Department's Fee Schedule.
7. **Well Abandonment.** Upon revocation of a well permit in accordance with this Section or upon voluntary determination to abandon the use of any well previously permitted hereunder, all wells under the jurisdiction of this section shall be abandoned in accordance with the procedures of Wis. Admin. Code NR Ch. 812. All debris, pump, piping, unsealed liners, and other obstructions which may interfere with the sealing operations shall be removed prior to abandonment. The owner of the well or the owner's agent shall notify the City Engineer or its designee at least forty-eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the Water Utility Superintendent or its designee and an abandonment report form, supplied by the State Department of Natural Resources, shall be submitted by the well owner to the Water Utility and the State Department of Natural Resources within ten (10) days of the completion of the well abandonment.
8. **Abandonment of Unused or Previously Abandoned Wells.** It shall be the responsibility of the landowner of any real property upon which a well is located to see to it that all wells located on the owner's property have been properly abandoned in accordance with the procedures of Wis. Admin. Code NR Ch. 812, regardless of whether such owner has used such well. Upon discovery of any unused or previously abandoned well, the owner shall notify the Water Utility and comply, insofar as is practicable, with the procedures of Subsection 9.01.14.C.6. In the case of a previously abandoned well, if the owner can produce proof of compliance with state well abandonment requirements to the satisfaction of the utilities manager/engineer, compliance with this section may be deemed unnecessary. Such determination shall be at the discretion of the utilities manager/engineer upon considering the present and future possibility of ground water contamination at the well site.
9. **Failure to Properly Abandon Well Public Nuisance.** Failure to abandon any well after revocation of a permit to follow the provisions of Wis. Admin. Code NR Ch. 812, in abandoning such well is hereby deemed a public nuisance, and the City may cause such well to be property

abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.

9.01.15 Outdoor Water Usage Restrictions

- A. **Water Usage Restrictions.** The City Engineer, in concurrence with the City Council, may request voluntary or impose mandatory outdoor water usage restrictions on all water users in the City of Onalaska. The restrictions may apply to all properties using City water or to alternate sides of the street as deemed necessary by the City Engineer. Alternate side restrictions would apply to even-numbered sides of the street on even-numbered calendar days and odd-numbered sides of the street on odd-numbered calendar days respectively. Restrictions may be for all day or for specified times each day. Reasons for such restrictions will be given with each notice. Notice of the restrictions shall be given to all news media in the City of Onalaska and posted to the City's website and social media sites.
- B. **Criteria for Mandatory Restrictions.** Criteria for mandatory restrictions shall be as follows:
1. To avoid undue stress upon the resources and reserve capacity of the Water Utility.
 2. To avoid sustained low pressure.
 3. To maintain reservoir levels sufficient to provide adequate fire protection.
 4. To compensate for loss of one (1) or more wells.
- C. **Outdoor Water Usage Restrictions.** The following restrictions would be imposed based on the needs and concerns of the Water Utility. The level of severity of the imposed restrictions would be based on such factors as weather conditions and/or forecasts; water distribution system pressure; reservoir levels, and groundwater levels:
1. Voluntary water restrictions.
 2. Mandatory water restrictions.
 3. Mandatory water restrictions even/odd sides of the street and specified times each day.
 4. Mandatory water restrictions on certain days of the week.
 5. Mandatory water restrictions for complete ban of outdoor water usage.

9.01.16 Cross Connection Control

- A. **Cross-Connection Prohibited.** No person shall establish or permit to be established or maintain or permit to be maintained any cross-connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply, other than the public water supply of the Utility, may enter the supply or distribution system of the Utility, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Utility and the State of Wisconsin Department of Natural Resources.
- B. **Inspections.** It shall be the duty of the Utility to cause inspection to be made of all properties serviced by the Utility where cross-connection with the public water system is deemed possible. Residential properties serviced by the Utility shall be inspected at a minimum of one (1) time every twenty (20) years or coinciding with meter replacement program. All non-residential high hazard properties serviced by the Utility shall be inspected at a minimum of once every two (2) years, all non-residential low/medium hazard shall be inspected every twenty (20) years or with meter replacement program. The Utility may, but is not required to, perform the cross-connection inspection of the owner's property. If, in the opinion of the Utility is not able to perform the inspection, the property owner must, at their own expense, have the plumbing inspected for cross-connections by a State of Wisconsin Certified Cross-Connection Inspector/Surveyor or by a State of Wisconsin licensed plumber. The frequency of required inspections and re-inspections based on potential health hazards involved may be shortened by the Utility. The Utility may charge fees as approved by the Common Council for on-premises follow-up visits by Utility personnel for re-inspection due to customer non-compliance and for after-hours inspections or re-inspections.
- C. **Right of Entry.** Upon presentation of credentials, representatives of the Utility shall have the right to request entry at any reasonable time to examine any property sewed by a connection to the public water system of the Utility for cross-connection. If entry is refused, such representatives shall obtain a special inspection warrant under Sec. 66.0119, Wis. Stats. The Utility may disconnect service for refusal to allow entry to examine any property. Upon request, the owner, lesser, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.
- D. **Authority to Discontinue Service.** The 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 damage or contamination of the public water system. Water service shall be discontinued if the means of backflow prevention required by the Utility is not installed, tested, maintained, and repaired in compliance with this ordinance and Wisconsin Administrative Code NR 810, Wisconsin Department of Safety and Professional Services

Ch. 382.22, Wis. Stats., or if it is found that the means of backflow prevention required by this ordinance has been removed or bypassed. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Ch. 68, Wis. Stats.

- E. **Reconnection of Service.** Water service to any property discontinued under the provisions of this ordinance shall not be restored until the cross-connection has been eliminated or a backflow prevention device approved by the Utility has been installed in compliance with the provisions of this section. The Utility may charge fees as approved by the Common Council for the reconnection of the water service.
- F. **Emergency Discontinuance of Service.** If it is determined by the Utility that a cross-connection or an emergency endangers public health, safety, or welfare and requires immediate action, service may be immediately discontinued. The owner, lessee, or occupant shall have an opportunity for hearing under Ch. 68, Wis. Stats., within ten (10) days of such emergency discontinuance. Such hearing shall be before the City of Onalaska Board of Public Works.
- G. **Owner Responsibility.** The property owner shall be responsible for the elimination of or protection from all cross-connections on their premises. The owner shall, at their expense, have installed, maintained, and tested any and all backflow preventers on their premises in compliance with Wisconsin Administrative Code NR 810 and SPS administrative code. The property owner shall have corrected any malfunction, revealed by periodic testing, of any backflow preventer on their premises. The property owner shall inform the Utility of any proposed or modified cross-connections and also any existing cross-connections that are not protected by an approved backflow prevention device. The property owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Property owners who cannot shut down operation for testing of the backflow prevention device must supply additional devices necessary to allow testing to take place. In the event the property owner installs plumbing upstream of the backflow preventer, such plumbing must have its own approved backflow preventer. The property owner is required to follow the protection practices described in the American Water Works Association publication AWWA M14 titled "Recommended Practice for Backflow Prevention and Cross-Connection Control," unless the Utility requires or authorizes other means of protecting the public water system. These requirements or authorizations will be at the discretion of the Utility.
- H. **Additional Protection.** In the case of premises having internal cross-connections that cannot be permanently corrected or controlled or intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow preventer in the service line. In the case of any premises where there is any material dangerous to health that is handled in such a manner that, in the opinion of the Utility, could create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow preventer. Examples of premises where these conditions will exist include sewage treatment plants, hospitals, mortuaries, plating plants, and carwash establishments. In the case of any premises where, in the opinion of the Utility, an undue health threat is posed because of the presence of toxic substances, the Utility may require an approved air gap at the service connection to protect the public water system. This requirement will be at the discretion of Utility.
- I. **Wisconsin Administrative Code.** Wisconsin Administrative Code is hereby adopted, except any penalty provisions therein. Wisconsin Administrative Code NR 810 is hereby adopted.
- J. **Plumbing Code.** This Section does not supersede the State of Wisconsin Plumbing Code, SPS administrative code, or the City Plumbing Code, City of Onalaska Municipal Code, but is supplementary to them.
- K. **Fee Schedule.** Where the use of a cross connection controlled device has been approved as put forth above, the property owners shall pay to the City of Onalaska a fee as outlined in the City Fee Schedule. Additional water charges and deposits may apply per P.S.C Rate Schedule BW-1. Costs related to the cross connection control of the device will be reviewed annually and may be subject to change.

9.01.17 Protective Devices

- A. **Protective Devices in General.** The owner or occupant of every premise receiving water supply shall apply and maintain suitable means of protection of the premise supply, and all appliances thereof, against damage arising in any manner from the use of the water supply, variation of water pressure, or any interruption of water supply. There shall likewise be provided means for the prevention of the transmission of water ram or noise of operation of any valve or appliance through the piping of their own or adjacent premises. (See Title 15, Chapter 1, Division 3 "Plumbing Code").

- B. **Relief Valves.** On all "closed systems" (i.e., systems having a check valve, pressure regulator, or reducing valve, water filter or softener) an effective pressure relief valve shall be installed either in the top tapping or the upper side tapping of the hot water tank, or on the hot water distributing pipe connection at the tank. A one-half (1/2) inch drain pipe shall be connected to the relief valve for discharge on the floor or into a sink or open drain through an air gap. No stop valve shall be placed between the hot water tank and the relief valve or on the drain pipe. (See Title 15, Chapter 1, Division 3 "Plumbing Code").
- C. **Air Chambers.** An air chamber or approved shock absorber shall be installed at the terminus of each riser, fixture branch, or hydraulic elevator main for the prevention of undue water hammer. The air chamber shall have a diameter not less than that of the pipe it serves and a length not less than fifteen (15) diameters of said supply pipe. Where possible, the air chamber should be provided at its base with a valve and drain cock for water drainage and replenishment of air. (See Title 15, Chapter 1, Division 3 "Plumbing Code").

9.01.18 Definitions

- A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.
1. **Backflow.** The undesirable flow of water or mixtures of water and other liquids, gases or other substances under positive or reduced pressure into the Onalaska Water Utility (hereinafter "Utility") distribution pipes of the potable supply of water from any source.
 2. **Backflow Preventer.** A device or means designed to prevent backflow caused by backpressure or back-siphonage; most commonly categorized as air gap, reduced pressure principle backflow preventer, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose connection vacuum breaker, hose connection backflow preventer, backflow preventer with intermediate atmospheric vent, and barometric loop.
 3. **Backpressure.** An elevation of pressure in the downstream piping system (i.e., pump, elevation of piping, or steam and/or air pressure) above the Utility supply pressure, which would cause or tend to cause a reversal of the normal direction of flow.
 4. **Back-siphonage.** The flow of water or other liquids, mixtures or substances into the distribution pipes of the Utility's potable water supply system from any source caused by the sudden reduction of pressure in the Utility's potable water supply system.
 5. **Cross-connection.** Any physical connection or arrangement between two (2) otherwise separate systems, one (1) of which contains potable water from the Utility, and the other containing water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one (1) system to the other, the direction of flow depending on the pressure differential between the two (2) systems.
 6. **Customer.** The owner of the property.
 7. **Customer service.** The portion of the service lateral that is between the curb box and the premises being served by the Water Utility.
 8. **Director of Public Works.** The City Engineer/Utilities Administrator or their designee.
 9. **Mains.** All pipes used for carrying water in the streets.
 10. **Municipal Water System.** A community water system owned by a city, village, county, town, town sanitary district, utility district, public inland lake and rehabilitation district, municipal water district or a federal, state, county, or municipal owned institution for congregate care or correction, or a privately owned water utility serving the foregoing.
 11. **Non-complying.** A well or pump installation which does not comply with Sec. NR 812.42, Wisconsin Administrative Code, Standards for Existing Installations, and which has not been granted a variance pursuant to Sec. NR 812.43, Wisconsin Administrative Code.
 12. **Owner.** Any person, firm, corporation or association owning property or premises which is or can be supplied with water or their authorized agent.
 13. **Premises.** A single-family dwelling, two-family dwelling, an apartment house occupied by more than one (1) family, a building occupied by business or other purpose, of any part of a building with the land appurtenant thereto when sold as a separate unit.
 14. **Public Works Department.** The organization and operation of each and every part of the water works system.
 15. **Pump Installation.** 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.
 16. **Service lateral.** The combined Utility and customer service which extends from the public water main through the meter or to a point of two (2) feet outside the building if no meter exists.

17. **Unsafe Well or Pump Installation.** One which produces water which is bacteriologically contaminated or contaminated with substances which exceeds the drinking water standards of Ch. NR 140 or 809, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.
18. **Unused Well or Pump Installation.** One which is not used or does not have a functional pumping system.
19. **Utility Service.** That portion of the service lateral from the public water main through the curb box which is the property of the utility or to the property line if no curb box or shut off exists.
20. **Well.** A drill hole or other excavation or opening deeper than it is wide that extends more than ten (10) feet below the ground surface constructed for the purpose of obtaining groundwater.
21. **Well Abandonment.** The proper filling and sealing of a well according to the provision of Sec. NR 812.26, Wisconsin Administrative Code.

Division 2 Connection and Installation

9.01.21 Operation of Valves and Hydrants and Unauthorized Use of Water

- A. Any person who shall, without authority of the Utility, allow contractors, masons, or other unauthorized persons to take water from their premises, 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 wantonly damage or impair the same shall be subject to a fine as provided by municipal ordinances.

9.01.22 Service Connections (or Water Laterals)

- A. No water service shall be laid through any trench having cinders, rubbish, rock or gravel fill, or any other material which may cause injury to or disintegration of the service pipe, unless adequate means of protection are provided by sand filling or such other insulation as may be approved by the Utility. Service pipes passing through curb or retaining walls shall be adequately safeguarded by provision of a channel space or pipe casing, not less than twice the diameter of the service connection. The space between the service pipe and channel or pipe casing shall be filled and lightly caulked with a mastic cement, or other resilient material, and made impervious to moisture.
- B. In backfilling the pipe trench, the service pipe must be protected against injury by carefully hand tamping the ground filling, free from hard lumps, rocks, stones, or other injurious material, around and at least six (6) inches over the pipe.
- C. All water supplies shall be of undiminished size from the street main in to the point of meter placement. Beyond the meter outlet valve the piping shall be sized and proportioned to provide, on all floors, at all times, an equitable distribution of water supply for the greatest probable number of fixtures or appliances operating simultaneously. All such service shall comply with the provisions of the State Plumbing Code and shall be inspected by the Inspection Department.
- D. Water service from the main to the curb stop shall use type "K" copper for one (1) inch to two (2) inch diameter pipe. The type of pipe for installations in excess of two (2) inches shall be determined by the City of Onalaska. All water services from the main to the meter stops for new construction shall be a minimum of one (1) inch. All water services from the curb stop to the meter, whether new or replacement, shall be one (1) inch.
- E. All water laterals installed within the City right of way or easement must be installed to current City of Onalaska specifications.
- F. If the property owner changes use of property currently receiving water service and such as a result of such change water service will no longer be needed in the future, the City Engineer may require abandonment of the water service at the main. Property owner shall be responsible for all costs for removal.

9.01.23 Turning on Water

- A. The water cannot be turned on for a consumer except by a duly authorized employee of the Utility or a licensed plumber as listed on a Plumbing Permit for the property. When a plumber has completed a job, they must leave the water turned off. This does not prevent the plumber from testing the work.

9.01.24 Connection Control

- A. **Regulation by Size.** Any connections two (2) inches or greater shall be flushed by the installer and tested by the Water Utility and be certified with one (1) bacteriologically safe sample prior to use for any purpose. A water line pressure test shall also be made before or after the bacteriologically safe sample (per the latest revision of AWWA Standard C-651) has been obtained, unless the line to be pressure tested is not connected to the Water Utility system.

- B. **Flushing.** Preparation for flushing and testing shall consist of providing a flushing assembly at the end of the installed line before any other piping is connected. The flushing assembly is to consist of a two inch (2) inch minimum connection to the end of the line, a three-quarter (3/4) inch female pipe tee for a test faucet, a test faucet, and necessary hose to discharge the flushing water into a drain. The size of the hose shall be one and one-half inches (1 1/2) inch for water main sizes smaller than eight (8) inches and hose lengths two hundred (200) feet or less. All others require hoses two and one-half (2 1/2) inches in diameter. Flushing shall proceed only upon approval and under the supervision of the Water Utility. Flushing shall only occur to the storm sewer. All samples for newly constructed services or water mains shall be taken by Water Utility personnel. Metering of flushing water is required. Flushing water may only be turned off upon notification by the Water Utility that the installation has been determined to be bacteriologically safe.

9.01.25 Repairs to Mains

- A. 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 notice of sufficient delay, the company will give notification, by newspaper publication or otherwise, of the discontinuance of the supply. No rebate will be allowed to consumers for such temporary suspension of supply.

9.01.26 Handling Water Mains and Service Pipes in Sewer or Other Trenches

- A. Where excavating machines are used in digging sewers, all water mains shall be maintained at the expense of the contractor.
- B. Contractors must ascertain for themselves the existence and location of all service pipes. Where they are removed, cut or damaged in the construction of a sewer, the contractor must at their own expense cause them to be replaced or repaired at once. They must not shut off the water service pipes from any consumer for a period exceeding six (6) hours.

9.01.27 Settling Main or Service Trenches

- A. Trenches shall be backfilled per current City of Onalaska water main specifications.

9.01.28 Repairs – Leaks, Deteriorated Connections and Service Pipes

- A. **Failure to Repair.** If a customer fails to repair a leaking, damaged, deteriorated or broken service pipe from the curb stop or if no curb stop is present from the property line to the point of metering or use within five (5) days after receiving notification from the Water Utility that their service requires repair, the water may be shut off and will not be turned on again until the repairs have been completed. The Water Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists.

Division 3 Meters

9.01.31 Installation of Meters

- A. Meters will be furnished and placed by the Utility in replacement applications, meters will be furnished to a licensed plumber for installation in new locations. Meters are not to be disconnected or tampered with by the consumer or property owner. All meters shall be so located that they shall be protected from obstructions and permit ready access, defined as a three (3) foot by three (3) foot clear area, six (6) feet in height, thereto for reading, inspection and servicing, such location to be designated or approved by the Utility. MXU shall have wires to meter securely fastened and MXU shall be installed at highest vertical elevation available. All piping within the building must be supplied by the consumer. (See Section 9.01.36).

9.01.32 Repairs to Meters

- A. Meters will be repaired by the water department 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, their agent, or tenant, or from the negligence of any one (1) 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 consumer or the owner of the premises.

9.01.33 Stop Boxes

- A. The property owner shall protect the stop box in the terrace and shall keep the same free from dirt and other obstructions. The Utility shall not be liable for failure to locate the stop box and shut off the water in case of a leak on the consumer's premises.
- B. Stop box shall be set to flush grade with finished elevations and be operable prior to occupancy of any new structure. If installation falls within concrete or asphalt, stop box must be protected by a Utility provided sleeve.

9.01.34 Compliant Meter Tests

- A. See Wis. Adm. Code, Ch. PSC 185.77.

9.01.35 Failure to Read Meters

- A. Where the Utility is unable to read a meter after two (2) successive attempts, the fact will be plainly indicated on the bill, and either an estimated bill will be computed, or the minimum charge applied. The difference shall be adjusted when the meter is again read, that is, the bill for the succeeding quarter will be computed with the gallons or cubic feet in each block of the rate schedule doubled and credit will be given on that bill for the amount of the minimum bill paid the preceding month.
- B. If the meter is damaged (see Section 9.01.37.) or fails to operate, the bill will be based on the average use during the past year unless there is some reason why the use is not normal. If the average use cannot be properly employed, the bill will be estimated by some equitable method.

9.01.36 Service Piping for Meter Settings

- A. In cases where a new customer whose service is to be metered installs the original service piping or where an existing metered customer changes their service piping for their own convenience, or where an existing flat rate customer requests to be metered, the customer shall, at their expense, provide a suitable location and the proper connections for the meter. The Water Utility should be consulted as to the type and size of meter setting. Where it is possible to set meters in the basement, or other suitable place within the building, a short nipple shall be inserted after the stop and waste cock, then a union, and then another nipple and coupling of the proper length. The nipple attached to the union and coupling shall be cut to a standard length provided by the plans of the Utility (it may require a horizontal run of eighteen (18) inches in such pipe line) which may later be removed for the insertion of the meter into the supply line.
- B. No permit will be given to change from metered to flat rate service.

9.01.37 Surreptitious Use of Water

- A. When the Utility has reasonable evidence that a consumer is obtaining their 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 their 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) hours 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:
 - 1. 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.
 - 2. 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.
 - 3. The consumer must further agree to comply with reasonable requirements to protect the Utility against further losses.
 - 4. Sec. 98.26 and 943.20, Wis. Stats., as relating to water service, are hereby adopted and made a part of these rules.

9.01.38 Duty of Utility with Respect to Safety of the Public

- A. It shall be the duty of the Utility to see that all open ditches for water mains, hydrants, and service pipes are properly guarded to prevent accident to any person or vehicle and at night there shall be displayed amber signal light in such manner as will, so far as possible, insure the safety of the public.

Division 4 Special Services

9.01.41 Thawing Frozen Services

- A. See Wis. Adm. Code, Ch. PSC 185.89.

9.01.42 Locating of Sanitary Lateral/Water Service Stub or Curb Boxes for Water Shutoff (Utility Responsibility)

- A. When requested to locate a sanitary sewer lateral, water service stub, or curb box for water shutoff, the Water Utility will often try and mark with a stake or paint the location per the latest records available. The Water Utility shall be not be responsible for any costs to the owner, developer or other persons for an inaccuracy or incompleteness of the records or any misinterpretation of the records.

9.01.43 Use of Hydrants for Construction; Temporary Supply

- A. In cases where no other supply is available, permission may be granted by the Utility to use a hydrant. No hydrant shall be used until it is equipped with a Reduced Pressure Zone ("RPZ"). In no case shall any RPZ be moved except by a member of the Utility.
- B. Before a RPZ is set, payment must be made for its setting and for the water to be used at the scheduled rates. See City Fee Schedule for applicable deposits and charges. Upon completing use of the hydrant, the customer must notify the Utility to that effect.
- C. In the use of a hydrant supply, the hydrant valve will be set at the proper opening by the Utility when the RPZ is set, and the flow of water must be regulated by means of the ball valve.

9.01.44 Vacation of Premises

- A. 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 stop. 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.

Division 5 Rates and Billing

9.01.51 City of Onalaska Water Rate Structure

- A. The City of Onalaska Water Utility provides water as a public utility under Ch. 196, Wis. Stats., and the rates of the utility are developed and ordered by the Wisconsin Public Service Commission as authorized under Secs. 196.03, 196.20, and 196.37, Wis. Stats., and any amendments or modifications thereto. The rates of the Onalaska Water Utility in effect at any time are the authorized rates on file with the Public Service Commission and copies of these rates are available in the Office of the Clerk of the City of Onalaska. Customers of the Onalaska Water Utility shall be informed of new rates as they become effective as required by the Public Service Commission.

9.01.52 Service Contract

- A. The minimum service contract period shall be one (1) year unless otherwise specified by special contract or in the applicable rate schedule. Where the Utility service has been disconnected at the customer's request prior to expiration of their minimum contract period, a reconnection charge shall be made, payable in advance, when the customer requests reconnection of service. (See Wisconsin Public Service Commission Tariffs.) The minimum contract period is renewed with each reconnection.
- B. A reconnection charge shall also be required from consumers whose services are disconnected (shut off at curb stop) because of non-payment of bills when due. (See Wisconsin Public Service Commission.)
- C. A consumer shall be considered as the same consumer provided the reconnection is requested for the same location by any member of the same family, or if a place of business, by any partner or employee of the same business.

9.01.53 Temporary Metered Supply, Meter and Deposits

- A. An applicant for temporary water supply on a metered basis shall make and maintain a monetary deposit for each meter installed as security for payment for use of water and for such other charges which may arise from the use of the supply. A charge shall be made for setting the valve and furnishing and setting the meter as set forth in the City Fee Schedule.

9.01.54 Water for Construction

- A. When water is requested for construction purposes, or for filling tanks or other such uses, an application therefor shall be made to the Utility, in writing, upon application provided for that purpose in the Public Works Department. Payment for the water for construction shall be as billed at the scheduled rates. The service pipe must be installed inside the building from where the water must be drawn. No connection with the service pipe at the curb shall be made without special permission from the Utility.
- B. 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 Utility, together with a statement of the actual amount of construction work performed.

- C. Property owners shall not allow contractors, masons or other persons to take water from their premises prior to installation of a utility meter. Any consumer failing to comply with this provision will have water service discontinued.

9.01.55 Customer's Deposits

- A. **New Residential Service.** The Utility may require a cash deposit or other guarantee as a condition of new residential service if, and only if, the customer has an outstanding account balance with the Utility which accrued within the last six (6) years, and which at the time of the request for new service remains outstanding and not in dispute.
- B. **Existing Residential Service.** The Utility may require a cash deposit or other guarantee as a condition of continued service if, and only if, either or both of the following circumstances apply:
 - 1. Service has been shut off or discontinued within the last twelve (12) months for violation of these rules and regulations or for nonpayment of a delinquent bill for service which is not in dispute.
 - 2. Credit information obtained by the company subsequent to the initial application indicates that the initial application for service was falsified or incomplete to the extent that a deposit would be required under these rules and regulations.
- C. **Commercial and Industrial Service.** If the credit for an applicant for commercial or industrial service has not been established to the satisfaction of the Utility, they may be required to make a deposit or otherwise guarantee to the Utility payment of bills for service.
- D. **Conditions of Deposit.** See Wis. Adm. Code, Ch. PSC 185.36(4).
- E. **Refund of Deposits.** The Utility shall review the payment record of each residential customer with a deposit on file at not less than twelve (12) month intervals and shall not require or continue to require a deposit unless a deposit could be required under the conditions stated above. In the case of a commercial or industrial customer the Utility shall refund the deposit after twenty-four (24) consecutive months of prompt payment if the customer's credit standing is satisfactory to the company. Payment shall be considered "prompt" if it is made prior to notice of disconnection for nonpayment of a bill not in dispute. Any deposit or portion thereof refunded to a customer shall be refunded by check unless both the customer and the company agree to credit the regular bill or unless service is terminated, in which case the deposit with accrued interest shall be applied to the final bill and any balance returned to the customer promptly.
- F. **Other Conditions.** A new or additional deposit may be required upon reasonable written notice of the need therefor if such new or additional deposit could have been required under the circumstances when the initial deposit was made. Service may be refused or disconnected for failure to pay a deposit request as provided in the rules. When service has been disconnected for failure to make a deposit, or for failure to pay a delinquent bill, or for failure to comply with the terms of a Deferred Payment Agreement, and satisfactory arrangements have been made to have service restored, a reconnection charge as specified elsewhere in these rules, shall be paid by the customer as a condition to restoration of service.
- G. **Guarantee Contracts.**
 - 1. The Utility may accept, in lieu of a cash deposit, a contract signed by a guarantor satisfactory to the company, whereby payment of a specified sum not exceeding the cash deposit requirement is guaranteed. The term of a guarantee contract shall be two (2) years, but shall automatically terminate after the customer has closed their account, or at the guarantor's request upon thirty (30) days' written notice to the Utility.
 - 2. Upon termination of a guarantee contract or whenever the company deems same insufficient as to amount or surety, a cash deposit or a new or additional guarantee may be required upon reasonable written notice to the customer. Service to any customer who fails to comply with these requirements may be refused, or upon ten (10) days' written notice, disconnected.
 - 3. The Utility shall mail the guarantor copies of all disconnect notices sent to the customer whose account he has guaranteed unless the guarantor waives such notice in writing.
 - 4. In lieu of a cash deposit or guarantee, an applicant for new service who has an outstanding account accrued within the last six (6) years with the Utility shall have the right to receive service from the company under a Deferred Payment Agreement as provided in these Rules and Regulations for the outstanding account balance.

9.01.56 Refunds of Monetary Deposits

- A. All moneys deposited as security for payment of charges arising from the use of temporary water supply on a metered basis, or for the return of a RPZ, if the water is used on an unmetered basis, will be refunded to the depositor on the termination of the use of water, the payment of all charges levied against the depositor, and the return of the wheel and reducer.

9.01.57 Disconnection and Refusal of Service

- A. **Reasons for Disconnection.** Service may be disconnected or refused for any of the following reasons:
1. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement (see Sec. PSC 185.38);
 2. Delinquency in payment for service received by a previous account holder or customer at the premises to be served, if an account is transferred to a new account holder or customer and the previous account holder or customer continues to be an occupant of the dwelling unit to be served;
 3. Failure to pay for an outstanding account balance with the City Water Utility owing at a previous address and for which there is no agreement or arrangement for payment and it is not in dispute but remains outstanding;
 4. Failure to comply with deposit or guarantee arrangements as specified in Sec. PSC 185.36 or 185.361;
 5. Diversion of service around the meter;
 6. Refusal or failure to permit authorized City Water Utility personnel to read the meter at least once every four (4) months where the utility bills monthly or bimonthly, or at least once every nine (9) months where the utility bills quarterly or less frequently than quarterly. The four (4) or nine (9) month period begins with the date of the last meter reading;
 7. Refusal or failure to permit authorized City Water Utility personnel access to the base meter;
 8. Violation of the City Water Utility's rules pertaining to the use of service in a manner which interferes with the service of others or to the operation of equipment, if the customer has first been notified and provided with reasonable opportunity to remedy the situation;
 9. Failure to comply with Wisconsin Statutes and Public Service Commission rules or orders pertaining to water utility service;
 10. Failure to pay costs or fees incurred by and awarded to the City Water Utility by a court of law, for pursuit of collection of bills, or failure to pay extraordinary collection charges as allowed and specified in the Utility's tariffs filed with the Public Service Commission;
 11. Failure to comply with the City Water Utility's rules or if the customer uses a device that unreasonably interferes with communications or signal services used for reading meters;
 12. Failure of an applicant for City Water Utility service to provide adequate verification of identity and residency;
 13. Failure of an applicant for City Water Utility service to provide the information set forth in Sec. PSC 185.33(18) (a), (b) and (c);
 14. Refusal to permit the Utility Department entry to the premises for purposes of meter exchange, replacement of parts, or installation of radio read devices as it relates to the water meter provided by the City Water Utility and which needs to be maintained by the City Water Utility.
- B. **Disconnection for Delinquent Accounts.**
1. A bill for service is delinquent if unpaid after the due date shown on the bill. The Utility may disconnect service for a delinquent bill by giving the customer at least ten (10) calendar days prior to disconnection a written disconnect notice. For purposes of this rule, the due date shall not be less than twenty (20) days after issuance.
 2. The Utility may disconnect without notice where a dangerous condition exists for as long as the condition exists. Service may be denied to any customer for failure to comply with the applicable requirements of the rules and regulations of the Public Service Commission or of these rules and regulations, or if a dangerous or unsafe condition exists on the customer's premises.
- C. **Dispute Procedures.**
1. Whenever the customer advises the Utility's designated office prior to the disconnection of service that all or part of any billing as rendered is in dispute, or that any matter related to the disconnection is in dispute, the Utility shall investigate the dispute promptly and completely, advise the customer of the results of the investigation, attempt to resolve the dispute, and provide the opportunity for the customer to enter in to a Deferred Payment Agreement as approved by the Board of Public Works when applicable in order to settle the dispute.
 2. After the customer has pursued the available remedies with the Utility, they may request that the Public Service Commission's staff informally review the disputed issue and recommend terms of settlement.
 3. Any party to the dispute after informal review may make a written request for a formal review by the Commission. If the Commission decides to conduct a formal hearing on the dispute, the customer must pay fifty percent (50%) of the bill in dispute or post a bond for that amount on or before the hearing date. Failure to pay the amount or post the bond will constitute a waiver of the right to a hearing. Service shall not be disconnected because of any disputed matter while the

disputed matter is being pursued under the disputes procedure. In no way does this relieve the customer from the obligation of paying charges which are not disputed.

4. The form of disconnection notice to be used is as follows or another form containing the same information:

DISCONNECTION NOTICE

Dear Customer:

The bill enclosed with this notice includes your current charge for utility service and your previous unpaid balance.

You have ten (10) days to pay the utility service arrears or your service is subject to disconnection.

If you fail to pay the service arrears, or fail to contact us within the ten (10) days allowed, we will proceed with disconnection action.

To avoid the inconvenience of service interruption and an additional charge of (amount) reconnection, **we urge you to pay the full arrears IMMEDIATELY AT OUR OFFICE.**

If you have a reason for delaying the payment, call us and explain the situation.

PLEASE CALL THIS TELEPHONE NUMBER () IMMEDIATELY IF:

1. You have a question about your utility service arrears.
2. You are unable to pay the full amount of the bill and are willing to enter into a time payment agreement with us.
3. There are any circumstances you think should be taken into consideration before service is discontinued.
4. Any resident is seriously ill.

Illness Provision

If there is an existing medical emergency in your home and you furnish the Utility with a statement signed by either a licensed Wisconsin physician, or a public health official, we will delay disconnection of service up to twenty-one (21) days. The statement must identify the medical emergency and specify the period of time during which disconnection will aggravate the existing emergency.

In any situation where you are unable to resolve billing disputes or disputes about the grounds for proposed disconnection through contacts with our Utility, you may make an appeal to the Wisconsin Public Service Commission, Madison, Wisconsin.

(CITY OF ONALASKA, WI)

5. In the event the Utility is not able to collect any bill for water service even though Deposit and Guarantee Rules are on file, the bill may be put upon the tax roll as provided in Sec. 66.0809, Wis. Stats.

9.01.58 Charges for Water Wasted Due to Leaks

- A. At the discretion of the Water Utility Staff and the City Engineer, a one (1) time per property, per owner, adjustment for verified leaking toilets, broken pipes, irrigation units and stuck valves on water softeners may be made when the overage is at least two (2) times the homeowners' average seasonal usage for that billing period quarter. Verification of the reason for the excess usage of water must be by Utility Personnel or by a Licensed Plumber. The adjusted billing will be based upon a block rate as assigned in PSC table (MG-1). This number will be used with an estimate based on seasonal quarter usage.

- B. If the reason for excessive water use is not detected or determined to involve any plumbing fixtures or appliances, then the homeowner shall be responsible, regardless of the water used, for the full amount of water consumption listed on the quarterly bill.
- C. No adjustment will be made or offered from the point the homeowner has been notified of the leak(s) and had the opportunity to make repairs and/or corrections to remedy the condition. Water adjustments will also only pertain to that quarterly billing period and the time of the homeowners' complaint, and will not include prior billing quarters and possible higher consumption during those periods.
- D. Refer to Wis. Adm. Code, Ch. PSC 185.35(6).

9.01.59 Water Services in Unincorporated Areas

- A. Section 66.069(2)(c), Wis. Stats., authorizes service by a City to an unincorporated area and, therefore, this Section provides that water service be made available to portions of the Town of Medary, La Crosse County, Wisconsin. The municipal utility shall have no obligation to serve beyond the area so delineated. The service area is described as follows:
 - 1. **Water Service Area – Town of Medary.** A parcel of land located in the NW1/4 - NW1/4, NE1/4 - NW1/4, SW1/4 - NW1/4 and the SE1/4 - NW1/4 of Section 10, T16N, R7W, Town of Medary, La Crosse County, Wisconsin, more fully described as follows:
 - a. Commencing at the northeast corner of the SW1/4 - NW1/4 of Section 10, T16N, R7W; thence south along the east line of said SW 1/4 - NW 1/4 33 feet to the south right-of-way line of CTH "OS"; this also being the point of beginning; thence west along said south right-of-way line 60 feet; thence south parallel to said east line 257.4 feet; thence west 450 feet; thence south 20 feet; thence west 150 feet to the east line of Leisso Addition; thence south along said east line 349.6 feet; thence west 270 feet more or less to the east City of Onalaska limits; thence N. 32° 00' W. to the east right-of-way line of STH "157"; thence north along said east right-of-way line to the north line of the SW1/4 - NW1/4 Section 10, T16N, R7W; thence east along said north line to a point being 300 feet west of the northeast corner of the SW 1/4 - NW 1/4; thence N.4° 09' W. 238.2 feet; thence east 224 feet; thence S. 8° 00' E. 207 feet to the north right-of-way line of CTH "OS"; thence east along said north right-of-way line 60 feet; thence N. 8° 00' W. 207 feet; thence east 240 feet; thence S 8° 00' E 240 feet to the north line of SE1/4 - NW1/4 Section 10, T16N, R7W; thence east along north line 428.3 feet; thence south 290.4 feet; thence west 176.3 feet to the east right-of-way line of Pralle Road; thence south along said right-of-way line 380 feet; thence east 360 feet to the east right-of-way line of Germann Court; thence south along said east right-of-way line extended to the south line of the SE1/4 - NW1/4 of said Section 10; thence west along said south line to the west right-of-way line of Pralle Road; thence north along said right-of-way line 206 feet; thence west 150 feet; thence north parallel to west right-of-way line of Pralle Road 600 feet; thence east 150 feet to west right-of-way line of Pralle Road; thence north along said west right-of-way line 230 feet; thence east parallel to north line of the SE1/4 - NW1/4 442 feet to west line of said SE1/4 - NW1/4; thence north along said west line 257.4 feet to the point of beginning.
 - b. Also, that portion of the present Town of Medary lying East of the present City of Onalaska corporate limits West of the town line of the Town of Hamilton, North of the La Crosse River and South of U.S.H. 16

Division 6 Charges for Service Areas

9.01.61 North Abbey Road Zone Charges

- A. **Water and Sewer Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a water main, sanitary main and lateral within Abbey Road between Commerce Road (Northerly junction) and 2,000 feet Northwest of East Avenue for future hookups by parcels and which are not currently within the corporate limits of the City, but may, in the future, become a part of the City.
- B. North Abbey Road Zone Charges as a result, the City of Onalaska does hereby establish the following North Abbey Road Zone Charges for all such lands:
 - 1. Water and Sewer Hookup Charges: \$7,663.00 per hookup.
 - 2. Street Improvement Fee: \$2,616.00 per hookup.
- C. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
- D. The North Abbey Road Zone consists of those lands designated on the map that is designated as Appendix B of this Section and which is incorporated herein and is on file in the office of the City Engineer.

- E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.62 Crestwood Lane Zone Charges

- A. **Water and Sewer Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a water main, sanitary main and lateral within Crestwood Lane for future hookups by parcels and which are not currently within the corporate limits of the City, but may, in the future, become a part of the City.
- B. Crestwood Land Zone Charges as a result, the City of Onalaska does hereby establish the following Crestwood Land Zone Charges for all such lands:
 - 1. Water and Sewer Hookup Charges: \$7,250.00 per hookup.
 - 2. Street Improvement Fee: \$2,176.00 per hookup.
- C. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
- D. The Crestwood Land Zone consists of those lands designated on the map that is designated as Appendix B of this Section and which is incorporated herein and is on file in the office of the City Engineer.
- E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.63 French Road / Crestwood Lane Water System High Pressure Zone Charges

- A. **Water Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a booster station for water in lands which may be developed in the French Road, Crestwood Lane and State Highway 16 areas, having an USGS elevation of 790-930 and some of which are not currently within the corporate limits of the City, but may, in the future, become a part of the City. As a result, the City of Onalaska does hereby establish the following booster station charges for all such lands:
 - 1. French Road / Crestwood Lane / State Highway 16 Area Booster Station Charges:

Parcel Size	Booster Station
New Parcels < 1 acre	\$2,266.00
New Parcels > 1 acre	\$2,266.00/acre
Existing Parcels < 5 acres	\$2,266.00
Existing Parcels > 5 acres	*See Below

*If the parcel cannot be subdivided, the Booster Station Charge shall be Two Thousand Two Hundred Sixty-Six Dollars (\$2,266.00) for the entire parcel. If the parcel can be subdivided, the Booster Station Charge shall be Two Thousand Two Hundred Sixty-Six Dollars (\$2,266.00) for each parcel resulting from such subdivision.

- B. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
- C. The French Road / Crestwood Lane Water System High Pressure Zone consists of those lands designated on the map that is designated as Appendix A of this Section and which is incorporated herein and is on file in the office of the City Engineer.
- D. As of January 1, 2021, the charges set forth herein shall increase. The amount of such increase shall be the amount by which the Consumer Price Index (CPI) has increased since January 1, 2020. Thereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.01.64 Greens Coulee Water System High Pressure Zone Charges

- A. **Charges Necessary.** It is hereby found and determined that a necessity exists for determining an equitable method for apportioning the costs of the installation of a booster station and necessary transmission lines for water in lands which may be developed in Greens Coulee having an USGS elevation of 790-930 and which are not currently within the corporate limits of the City, but may, in the future, become a part of the City. As a result, the City of Onalaska does hereby establish the following booster station/transmission charges for all such lands:

Parcel Size	Booster Station	Transmission Charge
New Parcels < 1 acre	\$1,000.00	\$500.00
New Parcels > 1 acre	\$1,000.00/acre	\$500.00/acre
Existing Parcels < 5 acres	\$1,000.00	\$500.00
Existing Parcels > 5 acres	*See Below	*See Below

*If the parcel cannot be subdivided, the Booster Station Charge shall be One Thousand Dollars (\$1,000.00) and the Transmission Charge shall be Five Hundred Dollars (\$500.00) for the entire parcel. If the parcel can be subdivided, the Booster Station Charge shall be One Thousand Dollars (\$1,000.00) and the Transmission Charge shall be Five Hundred Dollars (\$500.00) for each parcel resulting from such subdivision.

- B. The charges shall be paid by the owner at the time said lands are annexed to the City. Provided, however that the charges for all new parcels shall be paid at the time such parcel(s) is created.
- C. The Greens Coulee Water System High Pressure Zone consists of those lands designated on the map that is designated as Appendix A of this Section and which is incorporated herein and is on file in the office of the City Engineer.
- D. As of January 1, 2001, the charges set forth herein shall increase. The amount of such increase shall be the amount by which the Consumer Price Index (CPI) has increased since January 1, 2000. Thereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

Division 7 Penalties and Legal Remedies

9.01.71 Penalties and Legal Remedies

- A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars (\$200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars (\$500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars (\$1,000.00).
- B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.
- C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 02 Sewers and Sewerage

Division 1 General Provisions

9.02.11 Wisconsin Administrative Code Requirements

- A. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Wisconsin Administrative Code.

9.02.12 Special Agreements

- A. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern, provided the agreement is not in conflict with the intent or rates established by this Section or with Wisconsin Administrative Code requirements.

9.02.13 Powers and Authority of Inspectors

- A. The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Section. The City Engineer or their representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other processes beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or wastewater treatment facilities.

- B. The City Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage collection system or treatment works. All entry and subsequent work, if any, shall be done in full accordance with the terms of this Section.
- C. While performing the necessary work on private properties referred to in Subsection B. above, the City Engineer or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner, the owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the inspection, gauging or sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in this Section.

9.02.14 Installation of Laterals and Provisions of Water and/or Sanitary Sewer Services to Properties Outside the Corporate Limits of the City of Onalaska

- A. No person, corporation, partnership or other legal entity owning property outside the corporate limits of the City of Onalaska may connect said property to and/or obtain City water and/or sanitary sewer services for said property from any City water or sanitary sewer main(s).
- B. Notwithstanding the provisions of Subsection A. above, any person, corporation, partnership or other legal entity owning property outside the corporate limits of the City of Onalaska may install, at their own expense, a lateral for water and/or sanitary sewer services from the City's main(s) to said property, which lateral may, upon annexation of the property to the City and upon payment of all fees or charges, be utilized for the purpose of obtaining water and/or sanitary sewer services for said property.
- C. This Section shall not affect the provisions of Section 9.01.59 regarding water services in unincorporated areas.

9.02.15 Definitions

- A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word "shall" is mandatory and not discretionary; the word "may" is permissive.
 - 1. **Agency.** The City of Onalaska Common Council, the Board of Public Works, City Engineer or designee which is designated by it to administer and enforce the terms of this Section.
 - 2. **Agreement.** The current agreement between the City of La Crosse and the City of Onalaska for the transportation and treatment of wastewater emanating in the City of Onalaska.
 - 3. **Ammonia Nitrogen plus Organic Nitrogen.** The quantity of soluble nitrogen in the oxidation tri-negative state combined with hydrogen and hydroxyl ions as NH_4OH expressed in mg/1 of nitrogen, plus the organically bound nitrogen in the oxidation trinegative state; also referred to as Kjeldahl Nitrogen; the quantity being determined by Standard Methods for the Examination of Water and Wastewater, latest edition.
 - 4. **Biochemical Oxygen Demand (BOD₅).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
 - 5. **Building Drain.** The lowest horizontal piping of a drainage system which receives the discharge from waste drainage pipes inside the building and conveys the same to the building sewer, beginning five (5) feet (1.52 meters) outside the inner face of the building wall.
 - 6. **Building Sewer.** The extension from the building drain beginning at five (5) feet (1.52 meters) outside the inner face of the building wall to its connection with the sanitary sewer or other place of disposal.
 - 7. **Commercial User.** Any user engaged in a business enterprise, churches, schools, mobile home courts, governmental and public facilities, multi-family units consisting of more than two (2) families, elderly housing units, care centers and nonprofit organizations shall be considered commercial users.
 - 8. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, fecal coliform bacteria, chemical oxygen demand, total organic carbon, nitrogen and nitrogen compounds.
 - 9. **DNR.** The State of Wisconsin Department of Natural Resources.
 - 10. **Domestic Wastewater.** Water-carried wastes containing approximately two hundred fifty (250) mg/1 BOD₅ and approximately two hundred fifty (250) mg/1 suspended solids, consistent with that emanating from a typical household.
 - 11. **Garbage.** Solid wastes from the domestic and commercial preparation, cooling and dispensing of food, and from the handling, storage and sale of produce.

12. **Grant.** Federal and/or state financial assistance for the construction of improvements to the public sanitary sewer collection system and/or sewage treatment plant.
13. **Grantee.** The local agency which receives a grant.
14. **Incompatible Pollutant.** Any pollutant which is not a compatible pollutant.
15. **Industrial User.** Any nongovernmental, nonresidential user of a sewage treatment plant which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day 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 (1) 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, Industrial Services.
16. **Industrial Wastewater.** The liquid processing wastes from an industrial manufacturing process, trade or business including, but not limited to, all Standard Industrial Classification Manual D manufacturers, as distinct from domestic wastewater.
17. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
18. **Non-contact Cooling Water.** Wastewaters from a commercial or industrial user which have not become exposed to contamination or pollution, the sole alteration of which is in temperature increase and which do not contain any toxic or deleterious substances.
19. **Person.** Any individual, corporation, company, association, cooperative, trust, institution, partnership, state, municipality or federal agency.
20. **pH.** The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen-ions, in grams per liter of solution. Neutral water, for example, has a pH of seven (7) and hydrogen-ion concentration of ten (10)⁻⁷.
21. **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 particle greater than one-half (1/2) inch in any dimension.
22. **Public Sanitary Sewer Collection System.** A system of sanitary sewers owned, maintained, operated and controlled by the City.
23. **Private Sewage System.** A system comprised of a septic tank and effluent absorption area designed for the purpose of processing and disposing of sewage.
24. **Residential User.** Single- and two-family homes which discharge domestic waste to the public wastewater collection system, as distinct from commercial or industrial users.
25. **Sanitary Interceptor Sewer.** A sewer whose primary purpose is to transport wastewaters from collection systems to a treatment facility.
26. **Sanitary Sewer.** A pipe or conduit owned and maintained by the City which carries sewage.
27. **Sanitary Waste.** The wastes discharged from the average residential user in the City; also termed domestic wastewater.
28. **Sewage.** A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
29. **Shall.** Is mandatory; **May.** Is permissive.
30. **Slug.** Any discharge of sewage or industrial wastewater, the concentration of any constituent of which or the quantity of flow of which exceeds instantaneously more than five (5) times the average twenty-four (24) hour concentration of flows of the user during normal operation.
31. **Standard Industrial Classification Manual.** The document so entitled, published by the Office of Management and Budget, 1972.
32. **Storm Sewer ("storm drain").** A sewer which carries storm and surface waters and drainage, but excludes sewage, garbage and domestic wastewater and wastewaters other than non-contact cooling water from commercial and industrial users.
33. **Director of Public Works/City Engineer.** The Director of Public Works/City Engineer of the Water and Sewer Commission of the City of Onalaska or their authorized deputy, agent or representative.
34. **Suspended Solids.** Solids that are visible and in suspension in the liquid, the quantity being determined by Standard Methods for the Examination of Water and Wastewater, latest edition.
35. **Treatment Facilities.** Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or industrial wastes.
36. **Users.** Those residential, multi-family, commercial, governmental, institutional and industrial establishments which are connected to the public sanitary sewer collection system.
37. **User Charge System.** A system based on estimated use of wastewater collection, transportation and treatment services where each user pays its proportionate share or construction and operation and maintenance cost of the collection, transportation and treatment facilities.

- 38. **Unaltered Water.** Waters which are not changed chemically or physically as a result of use.
- 39. **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.
- 40. **Wastewater.** See Sewage.

Division 2 Sewer Regulations

9.02.21 Connection to Sanitary Sewers Required

- A. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage, except non-contact cooling waters, on the ground surface of any public or private property within the jurisdiction of the City.
- B. It shall be unlawful to discharge any sewage except non-contact cooling waters to any natural outlet within the jurisdiction of the City, except where authorized by the DNR.
- C. Except as provided for in Section 9.02.22., it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the jurisdiction of the City and abutting on any street, alley or right-of-way in which there is located a sanitary sewer is hereby required, at their expense, to install suitable toilet facilities therein and to connect such facilities directly with the public sewer collection system in accordance with the provisions of this Section within a period determined by the City Engineer but in no event more than one (1) year and to pay such connection charges as may be established herein or by other ordinance.

9.02.22 Private Sewage Disposal

- A. Where a sanitary sewer is not available, the building sewer shall be connected to a private, individual sewage system complying with the provisions of this Section.
- B. Before commencement of construction of a private sewage system, the owner shall first obtain a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications and/or other information as is deemed necessary by the City Engineer. The application fee is located within the City Fee Schedule and is due at the time the application is filed.
- C. A permit for a private sewage system shall not become effective until the installation is completed and approved by the City Engineer or designee. The City Engineer or designee shall be allowed to inspect the work at any stage of construction; and in any event, the applicant for the permit shall notify the City Engineer or designee when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City Engineer or designee.
- D. The type, capacity, location and layout of a private, individual sewage disposal system shall comply with NR 214.16, Wis. Adm. Code.
- E. At such time as a sanitary sewer becomes available to a property served by a private sewage system, as provided in Section 9.02.21.D., a direct connection shall be made to the sanitary sewer in compliance with this Section and any septic tanks, cesspools and similar private or individual sewage facilities shall be abandoned in accordance with NR 214.16, Wis. Adm. Code.

9.02.23 Building Sewers and Connections

- A. No authorized person shall alter, disturb or uncover any connections with or opening into any sanitary sewer or appurtenance thereof without first obtaining written permission from the City Engineer.
- B. Permits and Charges:
 - A. Two (2) classes of Building Sewer Permits.
 - a. For establishments producing only domestic wastewaters, including residences, institutions, public facilities and commercial establishments; and
 - b. For service to establishments producing industrial wastewater.
 - B. In either case, the owner or their representative shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.
 - C. For each sewer and water inspection, there shall be a permit fee as set forth in the City of Onalaska Fee Schedule. In addition, there shall be a charge pursuant to the project's value. This fee is to be applicable for installation and inspection for connections to the main or end of the lateral at the curb to the buildings, as well as for septic tank and dry well installations, also for each tap and water service pipe connected to the City water main, including fire protection services.

- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another on an interior lot and no individual sewage system is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway. The building sewer from the front building may be extended in such cases to the rear building and the whole considered as one (1) building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer or designee, to meet all requirements of this Section.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of current State of Wisconsin Plumbing Code, except that bituminous fiber pipe shall not be allowed.
- G. 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 sanitary sewer, sewage carried by such a building drain shall be lifted and discharged to the building sewer by facilities conforming to current State of Wisconsin Plumbing Code, Wis. Adm. Code.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, basement sump pumps or other sources of surface runoff or groundwater to the building sewer or building drain which, in turn, is connected directly or indirectly to a sanitary sewer. If such connections are found during an inspection by the City Engineer or designee, the penalty provisions of Section 9.02.14. are applicable.
- I. The connection of the building sewer into the sanitary sewer shall conform to the requirements of Subsection 9.02.23.F. above.
- J. The applicant for the building sewer permit shall notify the City Engineer or designee when the building sewer is ready for inspection and connection to the sanitary sewer. The connection shall be made under the supervision of the City Engineer or designee.
 - A. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to minimize the hazard to public welfare and safety. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
 - B. Where sanitary sewer construction requires excavation of streets or sidewalks, the applicant shall be required to obtain a permit for excavation from the City Engineering Department.
- K. All building sewers, both new and existing, shall be maintained in such condition as to prevent inflow or infiltration of unpolluted waters from the groundwater table, storm runoff or other sources. If, during an inspection defined in Section 9.02.13.B. of this Title, upon plugging the building sewer at or near its point of entry into the sanitary sewer, unpolluted water should be observed by the City Engineer or designee to back up into the building being served, the building sewer shall be declared defective and correction shall be ordered under Section 9.02.14.

9.02.24 Records and Monitoring

- A. All industrial users subject to categorical standards or required to pre-treat industrial waste who discharge or propose to discharge wastewaters to the wastewater collection system shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Section and any applicable state or federal pretreatment standards or requirements.
- B. The owner or operator of any premises or facility discharging industrial wastes subject to categorical pretreatment standards or required to pre-treat industrial waste shall install, at their own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
- C. Industrial records relating to wastewater discharges shall be available upon request by the City. All treatment standards shall be made available to officials of the U.S. Environmental Protection Agency or the Wisconsin Department of Natural Resources upon demand.
- D. Monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the City may allow modifications as necessary.
- E. When more than one (1) user can discharge into a common sewer, the City may require the installation of separate monitoring equipment for each user. Where there is a significant difference in wastewater constituents or characteristics produced by different operations of a single user, the City may require that separate monitoring facilities be installed for each separate discharge.

- F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the City's requirements and all applicable construction standards and specifications.

9.02.25 City Inspection, Sampling and Analysis for Compliance

- A. Compliance determinations with respect to Section 9.03.32.C. prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four (24) hour period, or cover a longer or shorter time span, as determined necessary by the City to meet the needs of specific circumstances.
- B. Laboratory analysis of industrial wastewater samples shall be performed in accordance with the current edition of "Standard Methods," "Methods for Chemical Analysis of Water and Waste" published by the U.S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials.
- C. Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 9.03.32.C. prohibitions and limitations will be done at intervals as the City may designate. However, it is the intention of the City to conduct compliance sampling or to cause such sampling to be conducted for all industrial users subject to categorical standards or required to pre-treat industrial wastes at least once per year.

9.02.26 Regulation of Grease Interceptors, Installation and Disposal of Waste

- A. **Purpose.** The purpose of this Section is the regulation of the collection and disposal of grease interceptor waste for the protection of the City sanitary sewer system and the environment. The objective of this Section is to reduce the operational and maintenance costs to the City of maintaining the sanitary sewer system by preventing the accumulation of grease within the collection system lines. This Section shall apply to the City of Onalaska and to persons outside the City who, by contract, agreement or otherwise with the City, are users of the City's sanitary sewer. This Section shall be in addition to any restrictions, regulations or prohibitions set forth in Section 9.03.32..
- B. **Administration.** The City of Onalaska shall administer, implement, and enforce the regulations of this Section.
- C. **Applicability.**
 - 1. Waste that contains grease shall be discharged into the sanitary sewer system only under the conditions of this Ordinance. The following facilities shall discharge all waste from sinks, dishwashers, drains, and any other fixtures through which grease may be discharged, into an adequately sized, properly maintained and functioning grease interceptor before the discharge enters the sanitary sewer. The following facilities shall also provide a grease-interceptor(s) inlet-flow control-device inspection port and a grease-interceptor effluent monitoring port.
 - 2. Every commercial food-preparation and food-service facility, including but not limited to bakeries, cafes, commercial kitchens, delicatessens, ice-cream parlors, hospitals, restaurants, schools, and similar facilities, especially where meat, poultry, seafood, dairy products or fried foods are prepared or served:
 - a. All shopping centers that have food-processing facilities;
 - b. All food courts;
 - c. All other facilities discharging grease in amounts that, in the opinion of the City of Onalaska will, alone or in combination with other substances from the discharges of the same or other facilities, have a reasonable chance to inhibit the flow in the sanitary sewer;
 - d. All new areas of intensified use or dwelling, including, but not limited to adult day-care facilities, assisted-living facilities, convalescent homes, day nursing and childcare facilities, in which food preparation occurs, homes for the mentally challenged, hotels, maternity homes, motels in which there is a commercial food-preparation service, nursing homes, retirement and life-care communities and homes, and truck stops with commercial food service, shall be required to have grease interceptors. Modifications to existing facilities that do not add new buildings or new grease-generating activities are exempt from this requirement; and
 - e. Interceptors shall not be required for single-family residences, duplexes, triplexes, quadplexes, or apartment complexes, unless the City first determines there are discharges from the property that may create problems in the sanitary sewer system. The determination shall be made based upon an investigation of the property and a comparison of the content and amount of discharge from the property with the discharges of other properties similar in size and use. Upon a determination that the discharges may create problems in the sanitary sewer system, the City may require the installation of a sufficiently sized grease interceptor to treat the discharges.
- D. **Compliance and Timeline.**

1. On or after the effective date of the ordinance codified in this Section, an existing facility shall be required to install an approved, adequately sized, and properly operated and maintained grease interceptor when any of the following conditions exist:
 - a. It is found by the City of Onalaska to be contributing grease in potential quantities sufficient to inhibit sanitary sewer flow or necessitate increased maintenance on the sanitary sewer collection system in order to keep impairments to the main line flow from occurring.
 - b. It is remodeling the food preparation or kitchen waste plumbing facilities in such a manner to be subject to a permit issued by the Inspection Department.
 - c. Its interceptor allows a discharge of oil or grease in excess of two hundred and fifty (250) mg/l.
2. New facilities required by this or other applicable ordinances to maintain a grease interceptor shall install such a unit prior to commencement of discharge to the sanitary sewer system.
3. Any requests for extensions to installation dates must be made in writing to the City of Onalaska at least thirty (30) days in advance of the compliance date. The written request shall include the reasons for the facility's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The City of Onalaska shall determine the date for compliance.
4. Existing facilities required by this or other applicable ordinances to maintain a grease interceptor that demonstrate that the installation of a grease trap is not feasible may use bioremediation as an alternative. The City of Onalaska will determine whether a facility may exercise this option for sanitary sewer maintenance. The bioremediation method and product must be approved by the City of Onalaska in writing prior to use in the drainage system. In addition, the operator must maintain written documentation of a current contract with a bioremediation supplier approved through the City of Onalaska.

E. Discharge Criteria.

1. Where oil and grease are a byproduct of food preparation and/or cleanup, reasonable efforts shall be made to separate waste oil and grease into a separate container for proper disposal. Except as contained in byproducts of food preparation and/or clean up, waste oil and grease shall not be discharged to any drains or grease interceptors. Such waste shall be placed in a container designed to hold such waste and either utilized by industry or disposed of at suitable locations.
2. None of the following agents shall be placed directly into a grease interceptor, or into any drain that leads to the interceptor:
 - a. Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy grease interceptor wastes;
 - b. Any substance that may cause excessive foaming in the sanitary sewer system; or
 - c. Any substance capable of passing the solid or semi-solid contents of the grease interceptor to the sanitary sewer system.
3. The influent to interceptors shall not exceed one hundred fifty (150) degrees F. The temperature at the flow-control-device inspection port shall be considered equivalent to the temperature of the influent.
4. Toilets, urinals, and other similar fixtures shall not discharge through a grease interceptor.
5. Waste shall only enter the grease interceptor through the inlet-flow-control device.
6. Where food-waste grinders are installed, the waste from such units shall discharge directly into the building drainage system without passing through a grease interceptor. Living quarters are exempted from this requirement.

F. Requirements for Grease Interceptors.

1. The operator must apply for all necessary permits prior to installation of any grease trap or interceptor.
2. The plumbing inspector assigned by the City will oversee the installation of the trap or interceptor.
3. Grease traps shall be installed a minimum distance of ten (10) feet from sinks and dishwashers to allow for adequate cooling of wastewater. Water temperatures must be less than one hundred fifty (150) degrees F. prior to entering grease trap.
4. Sample port. A sample port shall be installed on the effluent line of each grease trap. The port shall be a minimum of six (6) inches in diameter and be connected to the sewer line at a ninety degree (90°) angle to allow for sampling activities. The port shall be installed in such a manner as to be protected from storm water contamination and maintained in a safe and proper operating condition. The plug on the sample port must be easily removable.

G. Interceptor Maintenance.

1. It shall be unlawful for a grease or grit generator to allow grease or grit interceptor waste to be removed from their premises by a transporter who does not have all applicable Federal, State, or local permits or registrations, including any permit required by the City of Onalaska. If a vacuum

truck company is used to remove the grease from the interceptor or trap, the following information must be kept on file with the operator and submitted to the City of Onalaska.

- a. The vacuum truck company name, address, and telephone number;
 - b. The name of a primary and secondary contact person at the vacuum truck company;
 - c. The City of Onalaska/La Crosse County Health Department permit number;
 - d. Be signed and dated by an authorized representative of the vacuum truck company indicating acceptance of the terms of the contract;
 - e. The name, address, and telephone number of the disposal site, and
 - f. The signature of the facility representative present when the grease trap was cleaned.
2. The vacuum truck company shall provide a Certificate of Insurance, Certificate of Assurance, and Certificate of Indemnification to the City of Onalaska.
 3. Facilities are responsible for maintaining grease traps in continuous proper working condition. Further, facilities are responsible for inspecting, repairing, replacing, or installing apparatus and equipment as necessary to ensure proper operation and function of grease traps and compliance with discharge limitations at all times.
 4. Records of maintenance are required to be maintained on site for three (3) years. (Ninety (90) day maintenance frequency assumes proper sizing and installation consistent with this guidance).
 5. The facility shall maintain adequate documentation that the grease interceptor is appropriately cleaned and inspected.

H. Required Pumping Frequency.

1. Unless otherwise specified in writing by the City of Onalaska, each grease interceptor in active use shall be cleaned at least once every calendar quarter or more frequently as needed to prevent carry over of grease into the sanitary sewer system, unless it is demonstrated to the City, that the pumping frequency can be performed at greater intervals without impairment of the operation of the public sewer. The City of Onalaska may specify cleaning more frequently when quarterly pumping is determined by the City, to be inadequate. Any grease generator desiring a schedule less frequent than quarterly shall submit a request to the City of Onalaska.
2. The facility shall be responsible for providing such additional pumping as needed.
3. All grease interceptors shall be maintained by the facility at the facility's expense.

I. Interceptor Maintenance Log. Every facility having a grease interceptor shall maintain an Interceptor Maintenance Log indicating each pumping for the previous three (3) years. This log shall include the date, time, amount pumped, hauler and disposal site, initials of individual recording the information, and shall be kept in a conspicuous location on the premises of the facility for inspection. Said log shall be made immediately available to any authorized inspector.

J. Fees.

1. The City, with the approval of the City Council, has the option to establish permit fees under this Section in the City Fee Schedule.
2. The fees for such permits shall be for a permit issued for a period of one (1) year. The control authority may prorate the amounts for permits with shorter durations. All permits will expire at 12:00 midnight on the date specified on the permit as determined by the City.

K. Violation.

1. It is unlawful for any person and/or facility to discharge into the sanitary sewer system in any manner that is in violation of this Ordinance, or of any condition set forth in this Ordinance. No person shall cause or permit the plugging or blocking of, or otherwise interfere with or permit the interference of the operation of a grease interceptor or the sanitary sewer system, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor.
2. No person and/or facility shall discharge grease in excess of two hundred and fifty (250) mg/l to the sanitary sewer system.
3. The City of Onalaska may suspend water or sewer service when such suspension is necessary, in the opinion of the La Crosse Count Health Department and/or City, in order to stop an actual or threatened discharge which:
 - a. Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;
 - b. Causes or may cause stoppages or excessive maintenance to be required to prevent stoppages in the sanitary sewer collection system;
 - c. Causes interference to the sanitary sewer system; or
 - d. Causes the City to violate any condition of its NPDES community discharge permit.
4. Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with a suspension order, the City may take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize actual or threatened damage to the

sanitary sewer system or sewer connection or endangerment to any individuals. The City shall reinstate the water or sewer service upon receipt of proof that such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the facility describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

5. Any person who violates any provision of this ordinance, or who shall fail to comply with any provision hereof, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) for each violation and each day a violation continues, shall constitute a separate offense and shall be punished accordingly.
6. In addition to any applicable fines or penalties, a violator shall be liable to the City for any expense, loss, or damage occasioned by the City for clean-up and proper disposal of said materials. The violator shall be further required to pay an administrative fee equal to one-half (1/2) of assessed clean-up costs.
7. The City has the option to take additional action against any facility that has caused three (3) or more sanitary sewer blockages in one (1) calendar year due to excess grease accumulation.

Division 3 Rates and Billing

9.02.31 User Charge System

- A. **Purpose.** The purpose of this Section is to establish the basis for reasonable charges for the cost of collection, transportation and treatment of wastewater.
- B. **Classes of Charges.** Three (3) classes of wastewater charges shall be established as follows and wastewater shall include wastewater from residential, multi-family, commercial, governmental and industrial classes:
 1. Treatment Rate;
 2. Transmission and Maintenance Rate; and
 3. Flat Rate and shall be based on the Effective Total Meter Water Consumption for the quarter.
- C. **Effective Total Metered Water Consumption.** The term Effective Total Metered Water Consumption shall mean:
 1. For quarters 1, 3 and 4 (billed in April, October and January) the treatment charge and transmission and maintenance charge shall be based on metered water volume for the three (3) month period beginning December 5th and ending March 5th of each year which shall be reflected in the April billing unless consumption in any given quarter is lower than the metered water volume established on the April billing;
 2. For the 2nd quarter (billed in July), the treatment charge and transmission and maintenance charge shall be based on the actual metered water volume for that quarter (March 5 to June 5). In the event that December 5th or March 5th falls on a Saturday, Sunday or legal holiday, the following or preceding Business Day shall be used in lieu of the 5th. If consumption for quarters 3 or 4 is lower than the established metered water volume for the December 5th through March 5th period, the metered water volume for that quarter will be used to establish the treatment charge and transmission and maintenance charge for that specific quarter.

Wastewater charges for new residential and nonresidential class customers in the City of Onalaska that do not have an established sewer value or where the public water supply is not available, and a private water supply is used or where metered records are not available, water usage shall be calculated based on the average sewer value of account classes within the City of Onalaska from the April billing. New residential or nonresidential class customers who establish service mid quarter will be charged the City average for first quarter or actual consumption, whichever is lower.
- D. **Wastewater Charges.** The charges for wastewater shall include a quarterly charge consisting of a treatment charge, transmission and maintenance charge and a flat rate charge. The treatment charge and transmission and maintenance charge shall be based on the Effective Total Metered Water Consumption.
- E. **Quarterly Treatment Rate Charge.**
 1. A quarterly treatment rate charge shall be assessed each residential and nonresidential class customer. The quarterly treatment rate charge is intended to generate sufficient revenues to pay the cost of wastewater treatment by the City of La Crosse and to pay the amortization cost of improvements to the La Crosse Interceptor Sewer System.
 2. The Treatment Rate shall be an amount established yearly by the Common Council of the City of Onalaska based upon information provided by the City of La Crosse which shall be a sufficient amount to cover the annual cost of wastewater treatment and the amortization cost of improvements to the La Crosse Interceptor Sewer System.
 3. The quarterly treatment rate charge shall be calculated as follows:
 - a. $(\text{Treatment Rate} / 100 \text{ Cubic Feet}) \times \text{Effective Total Metered Water Consumption}$

F. Quarterly Transmission & Maintenance Charge and Flat Fee.

1. The quarterly transmission and maintenance and flat fee charge is intended to generate sufficient revenues to pay for the cost of operation, maintenance and depreciation of the Onalaska Sanitary Sewer Collection System. The annual operating budget will be estimated prior to each calendar year's operation.
2. The Transmission Rate shall be an amount established yearly by the Common Council of the City of Onalaska based upon the annual operating expense of Onalaska Sewer Utility.
3. The quarterly transmission and maintenance charge shall be calculated as follows:
 - a. $(\text{Transmission Rate}/100 \text{ Cubic Feet}) \times \text{Effective Total Metered Water Consumption}$
4. The quarterly sewer flat fee shall be determined as follows based upon the size of the meter as established by the Common Council annually on file in the office of the City Engineer.
5. The City shall reserve the right to require a meter for any user.
6. Charges for a portion of a billing period shall be prorated by the City.

G. Payment of Quarterly Sewer Charges; Lien; Penalty.

1. Wastewater charges shall be payable upon receipt, subject to the provisions of this Section.
2. Wastewater charges shall not be payable in installments.
3. Charges remaining unpaid for a period of twenty (20) days or more from the date of the wastewater utility bill shall be assessed a late payment penalty charge of three percent (3%) of the amount billed, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.
4. If a charge and/or late penalty remains unpaid for a period of twenty (20) days after the date of the utility bill, such charge and penalty shall become a lien upon the real property to which it applies, as provided in Sec. 66.0809 Wis. Stats., and other applicable provisions of the Wisconsin Statutes, as from time to time amended or renumbered.
5. Delinquent charges and penalties shall be automatically extended upon the next available tax roll as a delinquent tax against the real property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.
6. The City reserves the right to disconnect services pursuant to Wisconsin Administrative Code PSC 185.37, Wis. Stats., as may be amended.

H. Billing Schedule. Billing intervals shall be established by the City. If it has been impossible to read the water meter and as a result been over-estimated, there shall be no rebate on the sewer bill. No credits shall be given on such estimated bills unless proof is submitted of correctable error and a solution is possible.

I. Unknown Water Leaks. If a leak unknown to the user is found in an appliance or the plumbing, the City use shall be adjusted based on the City's current leak adjustment policy. No such adjustment shall be made for sewer after the customer has been notified and has had an opportunity to correct the condition.

J. Special Treatment Charges. Each user which discharges wastewater other than domestic or discharges toxic pollutants which cause an increase in the cost of managing the collection or treatment systems as determined by the City shall pay for such increased costs.

K. Distribution of Costs. The costs of operation and maintenance of all flow not directly attributable to users, e.g., infiltration and inflow, shall be distributed among all users on the basis of the flow volume of users.

L. Records. The City shall keep the records necessary to comply with applicable state or federal requirements.

9.02.32 Use of the Sanitary Sewers

- A. Prohibited Discharge.** No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or any other unaltered water to any sanitary sewer.
- B. Authority to Restrict Industrial Wastewaters.** The City reserves the right to refuse or limit the amount or character of any or all industrial wastewaters from an industry or combination of industries as may be necessary to insure adequate treatment and proper operation of the public sewer collection system. All users must meet City of La Crosse Sewerage rules, regulations, and ordinances for discharge to the La Crosse Wastewater Treatment Plant. The City of La Crosse has the authority to sample discharged sewerage.
- C. Prohibited Substances.** No person shall discharge or deposit or cause to allow to be discharged or deposited into the wastewater collection system any wastewater or substances which contain the following:

1. Liquids, solids or gases which, by reason of their nature or quantity, may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious to the wastewater collection system or personnel engaged in the operation, maintenance or repair or monitoring of the same. At no time shall two (2) successive readings on the explosion meter, at the point of discharge into the wastewater collection system, be more than five percent (5%) of the Lower Explosive Limit (LEL) of the meter nor shall any single reading exceed ten percent (10%) of the LEL.
2. Solid or viscous wastes which will or may cause obstruction to the flow in a sewer require excessive cleaning or maintenance or otherwise interfere with the proper operation of the wastewater collection system.
3. Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than one-half (1/2) inch in any dimension.
4. Noxious or malodorous solids, liquids or gases which either singly, or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or are or may be sufficient to prevent entry into the wastewater collection system for the purpose of monitoring, maintenance or repair.
5. Any waste which will cause corrosion or deterioration of the collection system. All wastes discharged into the wastewater collection system must have a pH value in the range of six (6) to nine (9) standard units at the point of discharge into the wastewater collection system. Prohibited materials include, but are not limited to, compounds and substances which will react with water to form acidic or alkaline products.
6. Wastewater or materials containing fat, wax, oil or grease of a concentration exceeding one hundred (100) mg/l, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between zero (0) and sixty-five (65) degrees Celsius [thirty-two (32) degrees F. and one hundred fifty (150) degrees F.] at the point of discharge into the wastewater collection system.
7. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the wastewater collection system or personnel engaged in the operation, maintenance or monitoring of the same.
8. Any wastewater or materials not removable by the wastewater treatment process which will cause discoloration of the wastewater treatment plant effluent or treatment residues.
9. Heated wastewater in amounts which will cause or is likely to cause deterioration or hazard to the wastewater collection system, personnel engaged in monitoring, maintenance or repair, or inhibit biological activity resulting in loss of treatment efficiency. In no case shall wastewater with a temperature exceeding forty (40) degrees Celsius [one hundred four (104) degrees F.] be introduced into the wastewater collection system.
10. Any unpolluted water, including, but not limited to, cooling water, rain water, storm water, river water or ground water which will increase the hydraulic load on the wastewater collection system, except in cases where no prudent and reasonable alternative exists as determined by the City.
11. Wastewater at a flow rate or containing such concentrations of pollutants released in a single extraordinary discharge episode such that would cause a wastewater collection system upset and subsequent loss of treatment efficiency or result in the accumulation or production of inert or biological sludges in excess of normal operating removal capability or adversely affect treatment residues, sludges or scums.
12. Wastewater discharges, except as authorized by the City, shall not contain in excess of the following:

Parameter	Limitation, Whichever is Greater (Maximum for any operating day)
Biochemical Oxygen Demand	500 mg/l or 500 lbs/day
Suspended Solids, Total	500 mg/l or 250 lbs/day

The City, upon review, may approve discharges in excess of the limits set forth providing that such discharge has little or no adverse impact on the wastewater treatment operation.

13. No holding tank wastes shall be discharged into the wastewater collection system unless a permit has been secured from the City or its representative. Unless allowed by the City under the terms and conditions of a permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, time of day discharge is to occur, the volume of the discharge and the wastewater origin, constituents and characteristics.

14. Fluid or solid substances in quantities or of such size or nature as to cause obstruction to the flow in sanitary sewers or other interference with the proper operation of the wastewater treatment plant such as, but not limited to, unground garbage, ashes, cinders, clay, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups or milk containers, either whole or ground by garbage grinders, or any soluble substance that would create a viscosity of liquid greater than 1.1 in any portion of the treatment works.
15. Any fluid or solid containing chromium, copper, zinc, cyanide and similar objectionable or toxic substances which exceed the limits which are established for such materials. Unless more restrictive limits are established by a state or federal regulatory agency having jurisdiction, the following concentrations in milligrams per liter (mg/l) shall not be exceeded on a grab sample basis:

Prohibited Substances	Concentration Limitations
Arsenic	0.50
Barium	4.00
Cadmium	0.01
Chromium	0.6
Copper	1.0
Cyanide	0.05
Lead	0.2
Mercury	0.002
Nickel	2.0
Selenium	0.004
Silver	0.1
Zinc	1.0

16. Any fluid of solid containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the City Engineer as necessary or as are established by the state, federal or other public agencies having jurisdiction for such discharge to the receiving waters. Unless other limits are established by a state or federal regulatory agency having jurisdiction, the concentration of phenol shall not exceed 0.005 mg/l on an instantaneous basis.
 17. Any waste containing more than one hundred (100) mg/l of antiseptic substances.
 18. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, clays, lime slurries and lime residues) or of dissolved solids detrimental to the treatment processes.
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions) or excessive odors.
 - c. Unusual chemical oxygen demand or chlorine requirements in quantities in excess of that found in domestic sewage.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 9.02.16.
 - e. BODS in excess of five thousand (5,000) mg/l on an instantaneous basis or five hundred (500) mg/l on an average daily (work day) basis.
 - f. Total solids in excess of twenty thousand (20,000) mg/l on an instantaneous basis or two thousand (2,000) mg/l on an average daily (work day) basis.
 - g. Suspended solids in excess of ten thousand (10,000) mg/l on an instantaneous basis or one thousand (1,000) mg/l on an average daily (work day) basis.
 19. Fluids or solids containing substances which are not amenable to treatment by the sewage treatment processes employed or are untreatable to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction.
 20. "Disposable" wipes and/or rags.
- D. Compliance Standards.** No person shall discharge or cause or allow to be discharged or deposited any waters or wastes that do not conform to the following:
1. Pretreatment standards established by the United States Environmental Protection Agency pursuant to Sections 307(b) and (c) of the Clean Water Act or standards established by the Wisconsin Department of Natural Resources. No sewage, water or waste, including commercial and industrial waste, shall contain any substance which is determined to be in violation of any state or federal pretreatment standards, the WPDES permit requirements or which may be

determined by the City to be unduly harmful or deleterious to the wastewater collection system, environment, public health and welfare, or interfere with the operation of the system.

- E. **Action Upon Prohibited Discharge.** If wastewaters containing any substances described in Subsection 9.02.32.C. are discharged or proposed to be discharged into the public sewer system of the City of Onalaska or any sewer system tributary thereto, the City and City Attorney may take any action necessary to:
1. Prohibit the discharge of such wastewater.
 2. Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this Section.
 3. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
 4. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling and treating excess loads imposed on the treatment system.
 5. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Section.
- F. **Discharge Permit.** New and existing industrial users subject to categorical standards or required to pretreat industrial wastes wishing to connect or continue discharging into any part of the Onalaska wastewater collection system must obtain a discharge permit therefor.
1. All of said industrial users connected to, proposing to connect to or discharging to any part of the City wastewater collection system must obtain a wastewater discharge permit within ninety (90) days from and after the effective date of enactment of any pretreatment standard applicable to the respective industrial category or subcategory under which said industrial user is classified.
 2. Users seeking a wastewater discharge permit shall complete and file with the City an application on the form prescribed by the City and accompanied by the applicable fee as established in the City Fee Schedule. In support of this application, the user shall submit the following information:
 - a. Name, address and SIC number of applicant;
 - b. Volume of wastewater to be discharged;
 - c. Wastewater constituents and characteristics including, but not limited to, those set forth in Section 9.02.32.C. of this Title as determined by a reliable analytical laboratory;
 - d. Time and duration of discharge; and
 - e. Average and peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
 - g. Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are, or could be, discharged.
 - h. Each product produced by type, amount and rate of production.
 - i. Number and type of employees and hours of work.
 - j. Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- The City will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a wastewater discharge permit subject to terms and conditions provided therein.
- G. **Permit Conditions.**
1. Wastewater discharge permits shall be expressly subject to all provisions of this Section and all other regulations and fees established by the City. The conditions of the wastewater discharge permits shall be uniformly enforced in accordance with this Section and applicable state and federal regulations. Permit conditions will include the following:
 - a. The average and maximum wastewater constituents and characteristics.
 - b. Limits on rate and time of discharge or requirements for flow regulation and equalization.
 - c. Requirements for installation of inspection and sampling facilities and specifications for monitoring programs.
 - d. Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.
 - e. Daily average and daily maximum discharge rates or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge.
 - f. Compliance schedules.
 - g. Other conditions to ensure compliance with this Section.

2. Permits shall be issued for a specified time period, not to exceed three (3) years. A permit may be issued for a period of less than one (1) year or stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the City during the life of the permit, as limitations or requirements as identified in Subsection 9.02.32.C. are modified and changed. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions shall include reasonable time schedule for compliance.
 3. Wastewater discharge permits are issued to a specific user for specific process or operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation or process.
 4. Any user who violates the following conditions of their permit or of this Section or of applicable state and federal regulations is subject to having their permit revoked. Violations subjecting a user to possible permit revocation include, but are not limited to, the following:
 - a. Failure of a user to accurately report the wastewater constituents and characteristics of their discharge;
 - b. Failure of the user to report significant changes in operations or wastewater constituents and characteristics;
 - c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
 - d. Violation of conditions of the permit.
 5. Permit fees shall be established by the City to provide revenues for the costs associated with the administration and compliance monitoring of the industrial pretreatment program and are found in the City Fee Schedule. The fees provide only for the direct cost of industrial monitoring and administration and do not provide for the recovery of operations, maintenance and repairs or replacement costs of the wastewater treatment system. Permit fees, at intervals of no less than one (1) year, shall be evaluated and amended as necessary to reflect current costs. Permit fee schedules shall be available from the City.
- H. **Preconstruction Approval.** Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater collection system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the City for review and approval at least sixty (60) days prior to initiation of construction. Such approval shall not exempt the applicant from compliance with any applicable code, ordinance, rule, regulation or order from any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior to approval of the City.
- I. **Proper Maintenance of Pretreatment Facilities.** If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at their cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws.
- J. **Inspections and Sampling.** Whenever it shall be necessary for the purposes of these rules and regulations, the City or duly appointed representatives, upon presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:
 1. Copying any records required to be kept under the provisions of this Section.
 2. Inspecting any monitoring equipment or method.
 3. Sampling any discharge of wastewater to the wastewater collection system.The City, or said representatives, may enter upon the property at any hour under emergency circumstances.
- K. **Accidental Discharge Protection.** Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or operator's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review at least sixty (60) days prior to the construction of the facility. Review and approval of such plans shall not relieve the industrial user from the responsibility to modify their facility as necessary to meet the requirements of this Section.
- L. **Notification of Accidental Discharge.** If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitation in this Section, the facility responsible for such discharge shall immediately notify the City so that corrective action may be taken to protect the wastewater collection system. In addition, a written report addressed to the City detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.
- M. **Discharge Reports.**

1. Every industrial user subject to categorical standards or required to pre-treat industrial waste shall file periodic self-monitoring discharge reports at such intervals as are designated by the City. The City may require any other industrial users discharging into the wastewater collection system to file such periodic self-monitoring reports depending upon the volume and character of discharge. The self-monitoring report shall include, but, in the discretion of the City, shall not be limited to:
 - a. Nature of process;
 - b. Volume and rates of flow;
 - c. Mass emission rate of pollutants;
 - d. Production quantities;
 - e. Hours of operation; and
 - f. Concentrations of controlled pollutants or other information which relate to the generation of waste.
2. Such reports may also include the chemical constituents and quantity of liquid materials stored onsite even though they are not normally discharged.

Division 4 Charges for Service Areas

9.02.41 Sewer Installation Charges in Greens Coulee Service Area

- A. Install sanitary sewers of the diameter(s) set forth in Appendix A, on file with the City Engineer, ranging from eight (8) inch diameter sewers to eighteen (18) inch diameter sewers; and
- B. Pay to the City, prior to final ratification of the plat, the sum of Two Thousand Two Hundred and Sixteen Dollars (\$2,216.00) per acre
- C. Assume the cost of installing all such sanitary sewers ten (10) inches in diameter in size. If greater than ten (10) inch diameter sewers are required to handle the contemplated sewerage flows as set forth in Appendix A, on file with the City Engineer, the City shall reimburse the developer for the cost difference between ten (10) inch pipe material and the larger pipe materials required. No sums will be reimbursed by the City for installation.
- D. The Green Coulee service area consists of those lands designated on the map which is designated as Appendix A of this Section and which is on file with the City Engineer and incorporated herein.
- E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.42 North Abbey Road Zone Charges

- A. Refer to Section 9.01.61. for applicable charges.

9.02.43 Crestwood Lane Zone Charges

- A. Refer to Section 9.01.62. for applicable charges.

9.02.44 Sewer Connection Charges for East Avenue Service Area

- A. For connection of any lands within the East Avenue service area to the sewer mains of the City of Onalaska, the owner(s) of such lands(s) shall pay to the City Clerk of the City of Onalaska a connection charge.
- B. The amount of the connection charge shall be One Thousand Two Hundred and Four Dollars (\$1,204.00) per acre.
- C. Owners of land(s) served with sanitary sewer laterals must pay the connection charges required herein within one (1) year after installation of the laterals or upon issuance of a plumbing permit for said land(s), lot(s) and/or parcel(s), whichever occurs first.
- D. The East Avenue service area consists of those lands designated in the map which is marked as Exhibit A and is attached and incorporated into Ordinance No. 596 87, on file with the City Clerk.
- E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.45 Sewer Connection for Pralle Annexation Service Area

- A. Upon connection of any lands within the Pralle annexation service area to the sewer mains to the City of Onalaska, the owner(s) of such land(s) shall pay to the Finance Director of the City of Onalaska a connection charge.
- B. The amount of the connection charge shall be Seven Hundred and Ninety-Five Dollars (\$795.00) per connection.

- C. Owners of land(s) served with sanitary sewer laterals must pay the connection charge required herein within one (1) year after installation of the laterals or upon issuance of a plumbing permit for said land(s), lot(s) and/or parcel(s), whichever occurs first.
- D. The Pralle annexation service area consists of those lands designated in the map which is denominated as Exhibit A and is attached to and incorporated into this Section by Ordinance No. 943 97. A copy of such map is on file with the City Engineer.
- E. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.46 Sewer Connection Charges for US Hwy 16 Service Area

- A. For connection of any lands within the U.S. Hwy 16 service area to the sewer mains of the City of Onalaska, the owner(s) of such land(s) shall pay to the City Clerk of the City of Onalaska a connection charge.
- B. The amount of the connection charge shall be Eight Hundred Eighty-Seven Dollars (\$887.00) per acre.
- C. The connection charge shall be calculated by multiplying the total acres of land within the U.S. Hwy 16 service area owned by any person(s) or business (es) by Eight Hundred Eighty-Seven Dollars (\$887.00) per acre. Provided, however, that if any portion of said acreage has been separated from the total acreage by certified survey or plat, the connection charge shall be calculated by multiplying the acreage of such survey of platted lot/parcel by Eight Hundred Eighty-Seven Dollars (\$887.00) per acre.
- D. Owners of land(s) served with sanitary sewer laterals must pay the connection charges required herein within one (1) year installation of the laterals or upon issuance of a plumbing permit for said land(s), lots(s), and/or parcel(s), whichever occurs first.
- E. The U.S. Hwy 16 service area consists of those lands designated in the map which is marked as Exhibit A and is attached and incorporated into Ordinance No. 596 87, on file with the City Engineer.
- F. Hereafter, the charges shall increase on an annual basis by the amount of the increase in the Consumer Price Index (CPI).

9.02.47 Connection Charges

- A. In addition to the foregoing, there shall be a connection charge of Twenty Dollars (\$20.00) per dwelling unit or commercial establishment for connection to the sanitary sewer system comprising Area A on attached Exhibit A which is incorporated herein. There shall be a connection charge of Thirty Eight Dollars (\$38.00) per dwelling unit or commercial establishment for connection to the sanitary sewer system comprising Area B on said attached Exhibit A. Each of said charges shall be in addition to the various fixture charges and permit charges and shall be payable at the time application for the permit is made, whether it be to the public sewer system or water system, when applicable. Said connection charges shall be adjusted annually with the first adjustment being made as of January 1, 2002. The adjustment will be calculated by multiplying the connection charge by the percentage change in the Consumer Price Index for La Crosse County from January 1, 2001 to the date of connection or payment of the connection charge whichever is later. Said resulting amount shall be added to the connection charge to arrive at a total connection charge.

9.02.48 Sewer Connection Charges for New Connections

- A. La Crosse Treatment Plant Charges shall be as set forth in the current (or where no current agreement exists in the most recent) executed Sewer Agreement between the City of Onalaska and City of La Crosse

Division 5 Penalties and Legal Remedies

9.02.51 Penalties and Legal Remedies

- A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars (\$200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars (\$500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars (\$1,000.00).
- B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations.

Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

- C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 03 Stormwater Utility

Division 1 Authority

9.03.11 Purpose and Necessity

- A. The Common Council of the City of Onalaska hereby find that the management of stormwater and other surface water discharges within and beyond La Crosse River, Mississippi River, Black River, Half Way Creek, and other bodies of water within the City is a matter that affects the health, safety and welfare of the City, its citizens and businesses and others in the surrounding area. All real property in the City, including property owned by public and tax-exempt entities contributes runoff and either uses or benefits from the stormwater system.
- B. Failure to effectively manage stormwater affects the sanitary sewer utility operations of the City by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system. Surface water runoff may cause nonpoint source pollution, erosion of lands, threaten residences and businesses with water damage, and create environmental damage to the rivers, streams and other bodies of water within and adjacent to the City. A system for the collection and disposal of stormwater provides services to all properties within the City of Onalaska and surrounding areas, including those properties not currently served by the system. The cost of operating and maintaining the City stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system. In order to protect the health, safety and welfare of the public, the Common Council hereby exercises its authority to establish a Stormwater Utility and establish the rates for stormwater management services.
- C. In promulgating the regulations contained in this Section, the City is acting pursuant to authority granted by Ch. 62 and 66, including, but not limited to, Sec. 62.04, 62.11, 62.16, 62.18, 66.0101, 66.0621, 66.0801, 66.0811, 66.0813, 66.0703, and 66.0627, Wis. Stats.

9.03.12 Creation

- A. There is hereby created and established a Stormwater Utility within the City of Onalaska, effective January 1, 2010. The entire operation, charge and management of the Stormwater Utility is vested in the City Engineer, subject, however, to the general control and supervision of the Common Council, pursuant to applicable State law.

9.03.13 Authority

- A. The City, acting through the Stormwater Utility, may, without limitation due to enumeration, acquire by gift, purchase, eminent domain, condemnation or otherwise, construct, lease, own, operate, maintain, improve, update, modify, extend, expand, replace, clean, dredge, repair, conduct, manage, finance, borrow monies, assess and/or levy fees for such facilities, operations, maintenance and activities as are deemed, from time to time, by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, without limitation due to enumeration, surface and underground drainage facilities, inlets, manholes, sewers, channels, ditches, retention and detention basins, infiltration facilities, retaining walls, streets, roads, natural drainageways, and such other facilities as will support a stormwater management system.

Division 2 Billing and Rates

9.03.21 Income and Revenue

- A. The Stormwater Utility finances shall be accounted for in a separate Stormwater Utility Enterprise Fund by the City. All income and revenues shall be retained by the Stormwater Utility Enterprise Fund. The Stormwater Utility shall prepare an annual budget, which is to include all operation and maintenance costs, debt service and other costs related to the operation of the Stormwater Utility. The annual budget is subject to approval by the Common Council.

9.03.22 Rates and Charges

- A. Every person shall pay the applicable Onalaska stormwater service charge when due for each property by that person.
- B. The basis for computations of the charge for stormwater services to lots and parcels of land within the City is established under this section. The amount of charge to be imposed, the establishment of formulas for the calculation of charges, the creation of customer classifications for the imposition of charges, and changes in such charges, formulas and customer classifications shall be consistent with this Section. Each year the Common Council shall determine the value of one (1) ERU based upon the applicable year's adopted City Budget and this Section, and shall certify such value to the City Clerk/Treasurer and Common Council. All charges established pursuant to this Section shall be fair and reasonable. A schedule of current charges shall be maintained and on file in the Department of Public Works.
- C. Charges shall be imposed to recover all or a portion of the costs of the Stormwater Utility. Such charges may include, but are not limited to, the following components:
 1. **Base Component.** The Base Component shall include the Stormwater Utility's estimated annual administrative and management costs, water quality costs, and other costs not in the components described below. The Base Rate shall be calculated by taking the sum of all Base Component costs and dividing that by the estimated number of billable ERUs.
 2. **Operations and Maintenance Component.** Operation and Maintenance Component shall include the Stormwater Utility's estimated annual operation and maintenance costs for the City's stormwater management system. The Operation and Maintenance Rate shall be determined by:
 - a. Taking the sum of all Operation and Maintenance Component costs,
 - b. Dividing that amount by the ERUs remaining after the ERUs that the City, upon user application, has determined need not pay Operation and Maintenance Component costs; and
 - c. Making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.
 3. **Capital and Debt Service Component.** Capital and Debt Service Component cost shall include the capital costs and debt service payments for the City's stormwater conveyance system, including retention and detention facilities. The Capital and Debt Service Rate shall be determined by:
 - a. Taking the sum of all Capital and Debt Service Component costs,
 - b. Dividing that amount by the ERUs remaining after the ERUs which the City, upon user application, has determined need not pay Capital and Debt Service Component costs, and
 - c. Making appropriate adjustments to the Rate to account for factors such as changes in stormwater reserves.
- D. Credits or adjustments may be available to individual property owners in the nonresidential and multifamily customer classes. It shall be the burden of the property owner to request such a credit and to demonstrate that the property owner has met the requirements as listed in the Stormwater Utility Credit Policy to a reasonable degree of certainty with evidence that a fee adjustment is warranted. The credits or adjustments shall be applied to the Operation and Maintenance Component Costs and the Capital and Debt Service Component Costs. The Base Component shall be charged to all properties regardless of credits unless the property is regulated by a separate municipal Stormwater Discharge Permit (WPDES). The Stormwater Utility Credit Policy, as issued by the City of Onalaska Common Council, shall be applied to all credit applications. All applications for credit or adjustments shall be reviewed by the City Engineer and the City Engineer may reduce the measured impervious area after taking into consideration the demonstrated reduction in stormwater volume. Credits or adjustments may be applied to applicable properties based upon the following criteria:
 1. An adjustment may be applicable if some or all of a customer's property provided:
 - a. Stormwater runoff from the property does not discharge directly or indirectly to or through any form of conveyance system owned or operated by the Stormwater Utility; and
 - b. The drainage from the property is not in violation of any environmental code or Federal, State or local surface water drainage requirements.
 2. Credits may be granted to owners of properties who have significantly reduced the impacts of stormwater discharge or stormwater quality to the stormwater utility system. Owners of property which discharge all or a portion of their stormwater into privately owned and maintained retention and detention ponds shall receive a prorated credit to the number of ERUs assigned to their property as outlined in the Stormwater Utility Credit Policy. No owner may be given a credit in excess of fifty percent (50%) of their total number of ERUs for the operation and maintenance component and capital and debt service component.
 3. Prior to receiving a credit or adjustment, the City Engineer or designee shall be allowed access to the property to determine the amount of credit or exemption to be granted.

9.03.23 New Construction

- A. A property owner shall be responsible for timely submitting a fully completed and accurate stormwater utility service application at the time a building permit is issued or a site plan review is conducted. The application shall be made on a form prescribed by the City and provided with each application for a building permit or application for site plan review. Failure to submit such stormwater utility service application or providing false information on such form shall constitute a violation of this Section. The implementation of stormwater charges shall commence as set forth in this Section.

9.03.24 Billing

- A. The Stormwater Utility billing schedule shall be set by the Utility Committee and approved by the Common Council.

9.03.25 Payment of Charge; Lien; Penalty

- A. Stormwater Utility charges shall be payable upon receipt, subject to the provisions of this Section.
- B. Stormwater Utility charges shall not be payable in installments.
- C. Charges remaining unpaid for a period of twenty (20) days or more from the date of the utility bill shall be assessed a late payment penalty charge of three percent (3%) of the amount billed, in addition to all other charges, penalties or interest, when the delinquent charge is extended upon the tax roll.
- D. If a charge and/or late penalty remains unpaid for a period of twenty (20) days after the date of the utility bill, such charge and penalty shall become a lien upon the real property to which it applies, as provided in Sec. 66.0821 and 66.0809, Wis. Stats., and other applicable provisions of the Wisconsin Statutes, as from time to time amended or renumbered.
- E. Delinquent charges and penalties shall be automatically extended upon the next available tax roll as a delinquent tax against the real property, and all proceedings relating to the collection, return and sale of property for delinquent real estate taxes shall apply to such charges.

9.03.26 Assets and Outstanding Debt

- A. The land rights and improvements of the City, or such rights determined to exist, for the following components of the public stormwater system are hereby transferred to the land assets of the Onalaska Stormwater Utility.
 - 1. Stormwater sewers;
 - 2. Inlets, catch basins, retention ponds and related stormwater control features;
 - 3. Access structures;
 - 4. Drainageways;
 - 5. Greeways; and
 - 6. Fees collected for stormwater management and fees collected in lieu of land dedication.
- B. Upon adoption of this ordinance codified in this chapter, the Stormwater Utility shall assume any future debt obligation for stormwater drainage and quality control purposes.

Division 3 Customer Classifications

9.03.31 Customer Classes

- A. For the purposes of imposing the Stormwater Utility charge, all lots and parcels within the City are classified into the following customer classes:
 - 1. Residential-single family;
 - 2. Residential-duplex;
 - 3. Multi-family: (including apartments greater than or equal to three (3) Units, Condominiums, and Mobile Homes)
 - 4. Commercial;
 - 5. Industrial;
 - 6. Governmental; and
 - 7. Undeveloped and Agricultural.
- B. The City Engineer shall prepare and maintain an updated current list of all lots and parcels of real property (land) within the City of Onalaska and assign the appropriate customer classification to each customer account. This list shall include the number of ERUs assigned to each customer account.
- C. The average square footage of impervious area of the ERU as of the date of adoption of this Section is hereby established to be equivalent to three thousand eight hundred eighty-eight (3,888) square feet.
- D. The ERU charges for the foregoing customer classifications shall be established as follows:
 - 1. Residential-single family: One (1.0) ERU;

2. Residential-duplex: One-half (0.5) ERU multiplied by each dwelling unit;
 3. Multi-family: (including apartments greater than or equal to three (3) Units, Condominiums, and Mobile Homes). The charge per unit shall be calculated by dividing the number of ERUs calculated for the entire property by the number of units existing on the property.
 4. Commercial: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1);
 5. Industrial: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1);
 6. Governmental: One (1) ERU times a factor obtained by dividing the total impervious area of the property by the square footage equivalent for one (1) ERU. Such impervious area shall be determined based upon the best information reasonably available. The result shall be rounded down to the nearest one-tenth (0.1); and
 7. Undeveloped and Agricultural: No stormwater charge shall be assigned to undeveloped or agricultural land.
- E. The City Engineer shall be responsible for determining the impervious area based on the best available information, including, but not limited to, data supplied by the City Assessor, aerial photography, the property owner, tenant, or developer. The billing amount shall be updated by the City Engineer based on any additions to the impervious area as approved through the building permit or site plan process. Individual property owners may submit site and building surveys to the City Engineer that help more accurately determine the total area and impervious area.
- F. The minimum charges for any parcel shall be equal to the rate for four tenths (0.4) ERU, unless it contains no impervious surface.
- G. All unoccupied developed lots and parcels with impervious surfaces shall be subject to a stormwater utility charge.
- H. The Common Council, from time to time, by budget adoption may establish classifications other than the customer classifications set forth in this Section, as may be likely to provide a reasonable and fair distribution of the costs of the stormwater utility to all users.

Division 4 Administration

9.03.41 Appeals

- A. The amount of a particular stormwater utility charge may be appealed to the City Engineer by filing a written appeal with the City Clerk/Treasurer prior to the due date of the charge or within thirty (30) days of payment. The written appeal shall specify all grounds for challenge to the amount of the charge and shall state the amount of charge that the appellant considers to be inappropriate. Failure to timely appeal waives all rights to later challenge the charge.
- B. In considering an appeal, the City Engineer shall determine whether the stormwater utility charge is fair and reasonable under the particular facts and circumstances pertaining to that specific property and, in the event the appeal is granted, whether or not a refund is due the appellant and the amount of the refund. The City Engineer shall notify the appellant in writing of their determination.
- C. The customer has thirty (30) days from the date of the written decision of the City Engineer to file a written appeal with the Board of Public Works.
- D. If the Board of Public Works determines that a refund is due the customer, the refund will be applied as a credit towards the customer's next stormwater billing charge, if the refund will not exceed the customer's next stormwater billing charge, or it may be refunded at the discretion of the Board of Public Works.

9.03.42 Alternative Method to Collect Stormwater Charges

- A. The Common Council hereby find and determine that the stormwater utility charges established under this Section reasonably reflect the services rendered to real property and may be, and are hereby authorized to be, assessed, charged, levied, imposed and collected upon property as a special charge in accord with all applicable Wisconsin Statutes.
- B. The mailing of the bill for stormwater utility charges to a property owner shall serve as notice to the property owner that failure to pay the charges when due may result in the charges being levied upon the owner's applicable real property.
- C. In addition, the City may provide notice each October of any unpaid charges to the Stormwater Utility and such charges, if not paid by November 15, may be placed upon the tax roll and collected in the

manner provided by this Section and/or the applicable provisions of the Wisconsin Statutes. The collection method provided in this section is in addition to the collection method provided for in this Section.

9.03.42 Conflict with Other Ordinances, Laws

- A. In the event of any conflict between any provision set forth in this Section and any other City ordinance, the competing provisions shall be harmonized to the fullest extent possible so as to facilitate the intent and proper effect of the separate areas of regulation.

9.03.43 Definitions

- A. For purposes of this Section, the following definitions shall apply. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense; the word “shall” is mandatory and not discretionary; the word “may” is permissive.
1. **Charge.** The periodic or other fee imposed under this Section for the rendering of stormwater utility services by the City.
 2. **City Engineer.** The City Engineer or designee.
 3. **Common Council.** The Common Council of the City of Onalaska.
 4. **Equivalent Runoff Unit (ERU).** The basic unit by which a storm sewer charge is calculated under this Section and is based upon the impervious area reasonably determined by the City. The term “ERU” means the statistical average of horizontal impervious area of single family homes and duplexes within the City of Onalaska on the date of adoption of this Section.
 5. **Impervious area.** A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rain water. The term includes, without limitation due to enumeration, all areas covered by structures, roof extensions, patios, porches, driveways, loading docks and sidewalks, and semi-impervious surfaces such as compacted gravel, all as measured on a horizontal plane.
 6. **Duplex.** Any residential property having two (2) dwelling units.
 7. **Dwelling unit.** A room or group of rooms including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one (1) time.
 8. **Multifamily Unit.** Any residential property comprised of three (3) or more dwelling units, including condominiums and manufactured homes.
 9. **Non-residential Property.** A lot or parcel of land, with improvements such as a building, structure, grading or substantial landscaping, which is not residential property, excluding publicly-owned rights of way, recreational trails, and publicly-owned or privately-owned rail beds utilized for railroad transportation.
 10. **Person.** Each and every property owner and includes, but is not limited to, natural persons, partnerships, corporations, limited liability companies, limited liability partnerships, joint ventures, and all other legal entities of whatever kind or nature.
 11. **Residential Property.** A lot or parcel of land developed exclusively for residential purposes, including single-family units, duplexes, and multifamily units. The term includes condominiums and manufactured homes.
 12. **Single Family Unit.** Any residential property consisting of one (1) dwelling unit.
 13. **Stormwater Utility.** The City owned and operated utility established under this Section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.
 14. **Undeveloped Property.** Real property that is not developed by the addition of an improvement such as a building, structure, grading or substantial landscaping. A property shall be considered to be developed if:
 - a. A certificate of occupancy has been issued for a building or structure on the property or, if no certificate of occupancy has been issued, upon substantial completion of construction or final inspection; or
 - b. Construction of an improvement on the property is at least fifty percent (50%) completed and such construction has ceased for a period of at least three (3) months, whether consecutive or not.

9.03.44 Severability

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

Section known that any such word, phrase, clause, sentence, paragraph or portion of said Section were invalid.

Division 5 Penalties and Legal Remedies

9.03.51 Penalties and Legal Remedies

- A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars (\$200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars (\$500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars (\$1,000.00).
- B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations. Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.
- C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.

Chapter 04 Private and Special Franchises

Division 1 Video and Cable Television Service Providers

9.04.11 General Provisions

- A. The provisions of Sec. 66.0420, Wis. Stats. are hereby incorporated as though fully set forth herein. The additional provisions of this Section supplement those provisions of the state statutes and constitute and expression of the City's home rule authority. Any person who owns, leases, operates, controls, constructs or maintains a video service or cable television service shall comply at all times with the provisions herein when constructing, operating or maintaining a video service or cable television service in the City.

9.04.12 Definitions.

- A. The terms used in this Section shall have the same meaning as those terms are defined in Sec. 66.0420(2) Wis. Stats. which is incorporated by reference as though fully set forth herein.

9.04.13 Video Service Provider Fee and PEG Channel Monetary Support

- A. **Video Service Provider Fee.** Vide Service Providers and Cable Operators shall pay, in addition to the PEG Support Fee set forth in 9.04.14 below, a Video Service Provider Fee to the City in an amount set forth in the City Fee Schedule.
- B. **Public Educational and Governmental (PEG) Channel Monetary Support.** Video Service Providers and Cable Operators may be required to pay, in addition to the Video Service Provider Fee set forth in Subsection A. above, a monthly fee of Twenty-Five Cents (\$.25) per subscriber, which payment shall be used to fund PEG access related external costs. The allocation of the PEG Channel Monetary Support fee between public access and government access activities or channels shall be at the sole discretion of the City and which allocation the City may alter at any time and without notice. The City shall establish such fee by ordinance and shall provide no less than one-hundred eighty (180) days written notice before such fee may be collected.
- C. **Supporting Documentation.** Payment of the fees set forth in this Section shall be accompanied by documentation verified by an agent or officer with the authority to legally bind the provider that is sufficient for the City to verify the accuracy of the fees being paid by the provider. The failure to provide such documentation shall subject the provider to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) per day until such time as documentation is provided to the City.

9.04.14 PEG Channel Requirements

- A. **Number of PEG Channels.** Video Service Providers and Cable Operators shall provide capacity for up to three (3) PEG channels.
- B. **Location of PEG Channels.** PEG channels must be carried on any service tier that is viewed by more than fifty percent (50%) of the video service provider's or cable operator's customers. Video service providers or cable operators may not charge an extra fee nor require the rental of special equipment in order for their customers to view such PEG channels if such fees or equipment are not required to view any of the non-PEG channels on such service tiers.
- C. **Quality of PEG Channels.** Video Service Providers and Cable Operators shall not carry a PEG television signal in a lesser format or lower resolution than that afforded to a non-broadcast digital programmer carried on the video or cable system. The signal quality of PEG channels shall be indistinguishable or better than the signal of other non-PEG channels carried by the video service provider or cable operator.
- D. **Origination Points.** Video service providers and cable operators shall supply and maintain upstream capacity from all origination points (a/k/a "live drops") as the City may identify and shall provide sufficient capacity for carriage of a television signal from each of these origination points at all times.
- E. **Substantial Utilization of PEG Channels and PEG Programming.**
 1. **Procedures for Disconnection Due to Failure to Substantially Utilize PEG Channel.**
 - a. **Written Notice of Objection to Program as Not Locally Produced.** A Video Service Provider or Cable Operator must provide written notice to the PEG Channel Director within ten days of the first or original airing of any program that the Video Service Provider or Cable Operator is objecting to the program as having not been locally produced. Such notice shall describe with particularity the program being objected to, the date and time the program was first aired and the factual basis supporting the objection. Failure to timely provide this notice waives the objection and therefore, such program will be counted towards the determination of whether said PEG channel is being substantially utilized.
 - b. **Written Notification of Failure to Substantially Utilize Channel.** A Video Service Provider or Cable Operator must provide written notification to any PEG channel Director within 10 days following any week in which the Video Service Provider or Cable Operator objects that the PEG Channel has not been substantially utilized. Such notice shall describe with particularity the time period being objected to, the dates and times during the week in which qualifying programming was not aired and the factual basis supporting the objection. Failure to timely provide this notice waives this objection and, therefore, such programming period will be counted towards the determination of whether said PEG channel is being substantially utilized.
 - c. **Written Notification of Intention to Disconnect, Reprogram or Drop PEG Channel.** A Video Service Provider or Cable Operator must provide 120 Days advance written notification to any PEG channel Director that the Video Service Provider or Cable Operator intends to disconnect, reprogram or drop. A video Service Provider or Cable Operator may not disconnect, reprogram or drop any PEG channel that it has not timely provided with such written notice. Furthermore, should any PEG channel Director provide the Video Service Provider or Cable Operator with a written response that the PEG channel was substantially utilized during the time period in question or will be substantially utilized by the municipality, the video service provider or cable operator shall not disconnect, reprogram or drop the PEG channel.
 - d. **Penalty for Failing to Provide Notice.** If any Video Service Provider or Cable Operator disconnects, reprograms or drops any PEG Channels without providing notice as required in subs. a. through c. above, the video service provider or cable operator shall be subject to the following:
 - i. Immediate reinstatement of the PEG channel to its location in the channel line-up prior to the disconnection, reprogramming or dropping of the channel.
 - ii. A forfeiture of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00) for each day that the PEG channel is disconnected, reprogrammed or dropped.
 2. **Locally Produced Programming.** "Locally produced programming" shall include all programming produced by any PEG channel and shall include all programming that has not been commercially aired as well as any program that was in part produced for original airing in the broadcast market in which it was produced either in part or in whole. The term "locally produced" shall not require that the programming was created, filmed or produced in the Onalaska or La Crosse county area. PEG stations may share and exchange programming content in order to meet the substantial utilization requirements of Wis. Stats. § 66.0420(5)(b).

- F. **Underwriting of Programming.** PEG channels may transmit non-commercial programming to subscribers generally or to specific recipients of video service providers or cable operators. Nothing herein shall in anyway prohibit or prevent PEG channels from accepting grants or sponsorships in support of such programming nor shall PEG channels be prohibited from acknowledging such grants or sponsorships before, during or immediately after such PEG programming has been broadcast in such a manner that is similar to the manner in which the Public Broadcasting System (PBS) acknowledges the substantially similar support of its programming content. Such acknowledgements shall comply with the requirements of 47 USC § 399b as though the PEG channel were a public broadcast station.
- G. **Notice of Intention to Move PEG Channel Locations or Designation.** Any Video Service Provider or Cable Operator who intends to move any PEG Channel from the channel designations in effect at the time this ordinance is enacted may only make such a change after providing 60 days' advance written notice to the affected PEG channel. Additionally, such Video Service Provider or Cable Operator shall engage in a public education program of such intensity and duration as to reasonably inform the general public of the proposed PEG channel designations.

9.04.15 Police Powers, Design and Construction Standards and Right of Ways

- A. **Subject to Police Powers.** Video Service Providers and Cable Operators are subject to the police power of the City to adopt and enforce general ordinances necessary to the safety, health and welfare of the public. The grant of a statewide video or cable franchise, does not render or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Wisconsin to regulate the use of streets and public ways or to regulate any matter affecting the safety, health and welfare of the public. The City shall make the video service providers' and cable operators' history of compliance with such codes and ordinances available to the Department of Financial Institutions so that the Department may determine the provider or operators legal, financial and technical qualifications to provide video services.

Division 2 Private and Special Franchise Ordinances

9.04.21 Ordinances

- A. The following ordinances shall be known as private and special franchise ordinances and shall not be printed in full in the Code of Ordinances of the City of Onalaska but shall be adopted by reference and referred thereto as follows:
1. Franchise to Northern States Power Company under Section 182.017(7) of the Statutes for Operation of Gas Utility Within the City. (Ord. 148.)
 2. Franchise to Northern States Power Company under Section 182.017(7) of the Statutes for Electrical Transmission Line. (Ord. 149.)
 3. Franchise to La Crosse Water Power Company (now Mississippi Valley Public Service Company) for Operation of Electrical Utilities and Construction and Maintenance of Electrical Lines. (Ord. 41), (Res. No. 5), (Ord. 82), (Ord. 153).
 4. Permission to the La Crosse Telephone Company to Erect and Maintain a Line of Telephone Poles in the City of Onalaska. (Ord. 25.)
 5. Permission Granted to the C B & Q Railroad Company the Right to Lay Track and Other Rights and Privileges. (Ord. 34.)
 6. Permission Granted to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company the Right to Lay Track and Other Rights and Privileges. (Ord. 39.)

Division 3 Penalties and Legal Remedies

9.04.31 Penalties and Legal Remedies

- A. **General.** Any person who violates any provision of this Chapter, or orders authorized by this Title, will, unless otherwise indicated in this Title, upon first conviction, forfeit not less than Two Hundred Dollars (\$200.00), together with the costs of prosecution for the first violation. For the second violation of the same provision or order, the person shall, upon conviction, forfeit not less than Five Hundred Dollars (\$500.00) plus the costs of prosecution. A third offense for the same provision or order under this Section, shall result, upon conviction, of a forfeit not less than One Thousand Dollars (\$1,000.00).
- B. **Legal Remedies.** Any person who violates any of the provisions of this Section, shall, in addition to the forfeiture stated above, be liable for any damage to the Water Utility, including loss of revenue from the same of water or sewage service resulting from a violation of these rules and regulations.

Whether the Water Utility must take corrective action with respect to any parcel of property, such parcel may be specifically assessed for such work. The payment of damages and correction of violations may be a condition of providing future water or sewage service.

- C. **Other Remedies.** The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance of law or by any other enforcement method to enforce any ordinance, regulation, or order.