

CHAPTER 13

MUNICIPAL UTILITIES

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SUBCHAPTER I: CLINTONVILLE WATER AND LIGHT UTILITY

13.01 COMBINED WATER AND LIGHT UTILITIES. The City's electric and water utilities are hereby combined into a single public utility and shall be known as the Clintonville Water and Light Utility.

13.02 DELINQUENT CHARGES. The provisions of Chapter 66 of the Wisconsin Statutes relating to utility arrearages are hereby adopted. (Adopted 12-19-96)

13.03 (Rep. Ord. #622)

13.04 APPOINTMENT OF SUPERINTENDENT. See sec. 1.03(12) of this Code.

13.05 POLICY. The Board shall establish written policies, subject to Council approval, to govern the Utility operations pertaining to employees' duties, customer rates, services, rules and termination procedures, expenditures of funds and other appropriate policies.

13.06 SURETY BONDS. The Council may require surety bonds for any of the officers and employees of the Utility in such amounts as the Council deems necessary. The premiums for the bonds shall be paid by the Utility in the same manner as any other operating expense.

13.07 EXTENSION OF SERVICES.

- (a) Extension of service. The city does hereby limit its extension of water and/or sewer service as provided by the Clintonville Utilities (CU) and /or the Clintonville Wastewater Utility (CWWU) to the following:
 - (1) Those areas and/or properties that presently have sewer service, water service or both sewer and water service furnished to said property.
 - (2) Those areas and/or properties that presently have either water or sewer service servicing their properties, which areas or properties also have the other utility service (water or sewer) abutting the property and the property is not hooked up to the abutting utility service. Said areas or properties shall be allowed access to the utility service that fronts their property; provided, however, that the property owner shall pay the applicable assessment for hookup pursuant to CU and CWWU policy.
 - (3) Those areas or properties that are presently connected to city water, sewer or both water and sewer service, said connection being by nonstandard methods. While the property may continue to be served by the utility service that is available, the city makes no type of commitment, promise or guarantee that in the future such nonstandard connections will be allowed. In the event the utility service is rebuilt, amended, redesigned or in any way changed, such alteration may affect the ability of the property to be served by a nonstandard connection method. In the event that the utility service is rebuilt, amended, redesigned or in any way changed, the City intends to require annexation before such rebuild, amendment, redesign or change is done.
 - (4) All other properties which are located outside of the corporate limits of the city which are presently being served by sewer and/or water service according to the records of the CU and CWWU as of July 11, 2000.
- (b) General provisions.
 - (1) In order to provide adequate fire protection for persons and property within the corporate limits of the city and to ensure the public health and safety of the residents, and for conserving the available water supply, it is necessary to limit the unincorporated area served to those areas listed in Subsection (a) above.

- (2) Although the city has previously provided water and/or sewer service to the aforesaid areas and sites, such service shall not be construed as a hold out or an offer by the city to furnish water and/or sewer service beyond its corporate limits. The city reserves the right to further limit such areas should such further action be necessary.
- (3) Only in exceptional cases and when authorized by the Council by ordinance may sewer and/or water service be furnished to consumers outside the city limits. The applicant for such service shall state fully all of the conditions affecting such usage; shall fully comply with requirements as to plumbing, safeguarding and use applicable to users of water and/or sewer service within the city limits; and shall, if required by the Council, pay for service and water in advance.
- (4) Mains or services laid and the installation thereof outside of the city limits shall be in accordance with the specifications of and under the supervision of the CU and CWWU. Maintenance of such mains or services shall conform to general city requirements. Customers receiving sewer and/or water service in accordance with the provisions of this section shall be subject to the water rates and sewerage service charge and any other fee or charge imposed for such utility service by the CU and CWWU and/or the Council.

13.08 DISBURSEMENTS AND COLLECTIONS. All disbursements of the Clintonville Water and Light Utility shall be subject to approval by the Council in accordance with the procedure followed by the Council as to all other City expenditures. All collections by the Utility shall be paid over to the Treasurer and deposited into a separate Utility account, and subject only to the payment of expenditures approved by the Council, as aforesaid. The Treasurer shall file a monthly report of the financial affairs of the Utility with the Council.

13.09 BUDGET. The Board shall, annually, supervise and be responsible for the preparation of a separate budget for each utility.

13.10 AUDIT. The funds and accounts of the Utility shall be audited annually by a certified public accountant and shall be open to public inspection.

13.11 RATES, RULES AND REGULATIONS.

(1) GENERAL. The rates, rules and regulations of the Clintonville Water and Light Utility shall be those approved by the Council and on file and approved by the Wisconsin Public Service Commission.

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

(3) PSC RULES AND REGULATIONS APPLICABLE. All applicable Public Service Commission rules and regulations which are presently in existence or as subsequently amended are incorporated herein by reference. Copies of all current Public Service Commission rules and regulations shall be kept on file in the offices of the Clerk and the Utility.

13.12 FLUORIDATION OF WATER SUPPLY. Approximately one to 1.5 parts of fluoride to every million parts of water, by distribution, shall be introduced into the City's water supply.

13.13 CROSS-CONNECTION TO WATER SERVICE.

(1) DEFINED. A cross-connection is defined as any physical connection or arrangement between 2 otherwise separate systems, one of which contains potable water from the City water system and other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a

flow from one system to the other, the direction of flow depending on the pressure differential between the 2 systems.

(2) **CROSS-CONNECTION AND INTERCONNECTION RESTRICTED.** No person shall establish or maintain any cross-connection. No interconnection shall be established whereby portable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distribution system of the City 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 Superintendent and supply shall have been approved by the Utility Superintendent and by the State Department of Natural Resources in accordance with Wis. Adm. Code NR 111.25(3).

(3) **UTILITY SUPERINTENDENT TO INSPECT.** It shall be the duty of the Utility Superintendent to cause inspections to be made of all properties served by the public water system where cross-connections with the public water system are possible. The frequency of inspections and reinspection, based on potential health hazards involved, shall be established by the Utility Superintendent and as approved by the Wisconsin Department of Natural Resources.

(4) **RIGHT OF ENTRY.** Upon presentations of credentials, the representative of the Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City for cross-connections. If entry is refused, such representative shall obtain a special inspection warrant under '66.122, Wis. Stats. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

(5) **ENFORCEMENT.** The Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of the section exists, and to take such other precautionary measures necessary to eliminate danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under ch. 6 of the Code, except as provided in sub. (6) below. Water service to such property shall not be restored until below. Water service to such property shall not be restored until the cross-connection has been eliminated in compliance with the provisions of this section.

(6) **EMERGENCY DISCONTINUANCE.** If it is determined by the Utility Superintendent that a cross-connection or an emergency endangers public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Clerk and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under ch. 6 of the Code within 10 days of such emergency's discontinuance.

(7) **STATE CODE ADOPTED.** The State Plumbing Code, Wis. Adm. Code H 62 is hereby adopted by reference. This section is supplementary to the State and City Plumbing Codes.

13.14 PRIVATE WELL ABANDONMENT

SECTION 1. PURPOSE

To prevent contamination of groundwater and to protect public health, safety and welfare by assuring that unused, unsafe or noncomplying wells which may serve as conduits for contamination or wells which may be cross-connected to the municipal water system, are properly abandoned.

SECTION 2. APPLICABILITY

This ordinance applies to all wells located on the premises served by the Clintonville Water and Electric Utility municipal water system.

SECTION 3. DEFINITIONS

A. "Municipal water system" means a system for the provision to the public of piped water for human consumption when such systems has at least 15 service connections or regularly serves at least 25 year-round

residents owned or operated by a city, village, county, town, town sanitary district, utility district or public institution as defined in s. 49.10(12)(f)1., Wisconsin Statutes, or a privately owned water utility serving any of the above.

B. "Noncomplying" means a well or pump installation which does not comply with the provisions of ch. NR 112, Wisconsin Administrative Code, in effect at the time the well was constructed, a contamination source was installed, the pump was installed, or work was done on either the well or pump installation.

C. "Pump installation" means a 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.

D. "Unsafe" means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of chs. NR 109 or 140, Wisconsin Administrative Code, or for which a Health Advisory has been issued by the Department of Natural Resources.

E. "Unused" means a well or pump installation which is not in use or does not have a functional piping system.

F. "Well" means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for consumption or other use.

G. "Well Abandonment" means the filling and sealing of a well according to the provisions of ch. NR 112, Wisconsin Administrative Code.

SECTION 4. ABANDONMENT REQUIRED

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of this ordinance and ch. NR 112, Wisconsin Administrative Code, by (December 31, 1991), or no later than 1 year from the date of connection of the municipal water system whichever occurs last, unless a well operation permit has been obtained by the well owner from the Director of Public Works (hereafter "Director") or his/her designee.

SECTION 5. WELL OPERATION PERMIT

The Director or his/her designee may grant a permit to a private well owner to operate a well for a period not to exceed 5 years providing the conditions of this section are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The Director, or its agent, may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permits, applications and renewals shall be made on forms provided by the Director. The following conditions must be met for issuance or renewal of a well operation permit:

1. The well and pump installation meet or are upgraded to meet the requirements of ch. NR 112, Wisconsin Administrative Code,
2. The well construction and pump installation have a history of producing bacteriologically safe water as evidenced by at least 2 samplings taken a minimum of 2 weeks apart. No exception to this condition may be made for unsafe wells, unless the Department of Natural Resources approves, in writing, the continued use of the well,
3. There are no cross-connections between the well and pump installation and the municipal water system, and
4. The proposed use of the well and pump installations can be justified as being necessary in addition to water provided by the municipal water system.

SECTION 6. ABANDONMENT PROCEDURES

- A. All wells abandoned under the jurisdiction of this ordinance or rule shall be abandoned according to the

procedures and methods of ch. NR 112, Wisconsin Administrative Code. All debris, pump, piping, unsealed liners and any other obstructions which may interfere with sealing operations shall be removed prior to abandonment.

B. The owner of the well, or the owner's agent, shall notify the Director at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by Director or his/her designee.

C. An abandonment report form, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Director and the Department of Natural Resources within 10 days of the completion of the well abandonment.

Revised & Adopted 9-10-91

13.20 PENALTY

SECTION 7. PENALTIES

Any well owner violating any provision of this ordinance shall upon conviction be punished by forfeiture of not less than \$100.00 nor more than \$500.00 and the cost of prosecution. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 10 days after receiving written notice of the violation, the City of Clintonville may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property. Revised & Adopted 9-10-91

SUBCHAPTER II: CLINTONVILLE SEWER UTILITY

13.21 MANAGEMENT OF CLINTONVILLE SEWER UTILITY. The Clintonville Sewer Utility shall be managed by the Street Committee under the general direction of the Council. The City Administrator and Clintonville Wastewater Utility Manager shall be responsible for the administration of the Utility.

13.22 PRIVATE AND PUBLIC SEWER USER REGULATIONS.

(1) DEFINITIONS.

(a) Ammonia Nitrogen (NH₃-N). One of the oxidation states of nitrogen in which nitrogen is combined with hydrogen in molecular form as NH₃ or in ionized form as NH₄⁺. Quantitative determinations of ammonia nitrogen shall be made in accordance with procedures set forth in "Standard Methods."

(b) Approving Authority. The Council and/or Clintonville Waste Water Utility Manager.

(c) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter in 5 days at 20° C., expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."

(d) Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning approximately 5 feet outside the inner face of the building wall.

(e) Building Sewer. The extension from the building drain to the public sewer or other place of disposal; also called house connection or lateral. Subject to chs. 8 and 15 of this Code and the applicable administrative rules of the DNR and except as provided in this section, building sewers shall not be subject to the jurisdiction of the City and the City shall not be responsible for the construction and/or maintenance of such sewers.

(f) Combined Sewer. Any sewer intended to serve as a sanitary sewer and a storm sewer.

(g) Commercial User. Any user whose premises are used primarily for the conduct of a profit-

oriented enterprise in the fields of construction, wholesale or retail trade, finance, insurance, real estate or services, and who discharges primarily normal domestic sewage. This definition shall also include multi-family residences having 3 or more units served by a single meter.

(h) Composite Sample (24 Hours). The combination of individual samples taken at intervals of not more than one hour.

(i) Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, or fecal coliform bacteria, plus additional pollutants identified in the NPDES permit for the publicly owned treatment works receiving the pollutants if such works was designed to treat such additional pollutants, and in part does remove such pollutants to a substantial degree.

(j) Chlorine Requirement. The amount of chlorine, in milligrams per liter, which must be added to sewage to produce a specified residual chlorine content in accordance with procedures set forth in "Standard Methods."

(k) Easement. An acquired legal right for the specific use of land owned by others.

(l) Floatable Oil. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

(m) Flow Proportional Sample. A sample taken that is proportional to the volume of flow during the sampling period.

(n) Ground Garbage. The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

(o) Incompatible Pollutant. Any pollutant which is not a compatible pollutant.

(p) Industrial User. Any user whose premises are used primarily for the conduct of a profit-oriented enterprise in the fields of manufacturing, transportation, communications or utilities, mining, agriculture, forestry or fishing.

(q) Industrial Waste. Any trade or process waste from an industrial user.

(r) Institutional User. Any user whose premises are used primarily for the conduct of activities of a social, charitable or educational character.

(s) Intercepting Sewer. A sewer whose primary purpose is to convey sewage from a collection system or systems to a wastewater treatment plant. Size of the sewer is not a factor.

(t) Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or ground waters.

(u) Normal Domestic Sewage. Sanitary sewage resulting from the range of normal domestic activities in which BOD, TSS and P04 concentrations do not exceed normal concentrations as described in the most current User Charge Document.

(v) WPDES Permit. Permit issued under the Wisconsin Pollutant Discharge Elimination System, Wis. Adm. Code NR 210.

(w) pH. The logarithm of the reciprocal of the hydrogen ion concentration. Neutral water, for example, has a pH value of 7 and a hydrogen concentration of 10^{-7} .

(aa) Phosphorus (P). Total phosphorus in wastewater, which may be present in any of 3 principal forms, orthophosphate, polyphosphates and organic phosphates. Quantitative determination of total phosphorus shall be made in accordance with the procedures set forth in "Standard Methods."

(bb) Pretreatment. An arrangement of devices and structures for the preliminary treatment or processing of wastewater required to render such wastes acceptable for admission to the public sewers.

(cc) Private Sewer. Any sewer located outside of a public right of way or public easement. Except as provided in this section, a private sewer shall not be subject to the jurisdiction of the City and City shall not be responsible for the construction and/or maintenance of such sewer.

(dd) Public Authority. Any user whose premises are used for the conduct of the legislative, judicial, administrative or regulatory activities of Federal, State, local or international units of government-owned educational facilities; government-owned health facilities; or government-owned recreational facilities. This does not include government-owned or operated business establishments.

(ee) Public Sewer. Any sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary sewer system, even though those sewers may not have been constructed with City funds. Public sewer shall not include private sewers or building sewers.

(ff) Sanitary Sewage. A combination of water-carried wastes from residences, business buildings, institutions and industrial plants, other than industrial wastes from such plants, together with such ground, surface and storm waters as may be present.

(gg) Sanitary Sewer. A sewer that carries sanitary and industrial water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface water that are not admitted intentionally.

(hh) Segregated Domestic Wastes. May be defined as wastes from nonresidential sources resulting from normal domestic activities. These activities are distinguished from industrial, trade and/or process discharge wastes.

(ii) Sewage. The spent water of a community. The preferred term is "wastewater." (See par (ss) below)

(jj) Sewage System. The composite network of underground conduits carrying wastewater and appurtenances incidental thereto, i.e., manholes, lift stations and service lateral.

(kk) Sewer. A pipe or conduit that carries wastewater or drainage water.

(ll) Slug. Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the wastewater treatment works.

(mm) Standard Methods. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Associations.

(nn) Storm Drain. Sometimes termed "storm sewer." A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

(oo) Storm Water Runoff. That portion of the rainfall that is drained into the sewers.

(pp) Suspended Solids (SS). Solids that either float on the surface of, or are in suspension in,

water, wastewater or other liquid, and that are removable by laboratory filtering as prescribed in "Standard Methods" and are referred to as nonfilterable residue.

(qq) Unpolluted Water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(rr) User Classes. Categories of users having similar flows and water characteristics; i.e., levels of biochemical oxygen demand, suspended solids, phosphorus, ammonia nitrogen, etc. For the purposes of this section, there shall be 4 user classes, i.e., residential, commercial, industrial and public authority.

(ss) Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any ground water, surface water, and storm water that may be present.

(tt) Wastewater Facilities. The treatment works defined in par. (uu) below, exclusive of interceptor sewers, and wastewater collection systems.

(uu) Wastewater Treatment Works. An arrangement of devices and structures for the storage, treatment, recycling and reclamation of wastewater, liquid industrial wastes and sludge. These systems include interceptor sewers, outfall sewers, wastewater collection systems, individual systems, pumping, power and other equipment and their appurtenances; any works that are an integral part of the treatment process or are used for ultimate disposal of residues from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal or industrial wastes.

(vv) Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

(2) USE OF THE PUBLIC SEWERS.

(a) Sanitary Sewers. No person shall discharge or cause to be discharged any unpolluted water such as storm water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer except storm water runoff from limited area, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the Approving Authority.

(b) User Connection. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right of way in which there is now located, or may in the future be located, a public sanitary sewer of the city is hereby required at the owner's expense to install suitable toilet facilities therein, and connect such facilities directly to the proper public sewer in accordance with the provisions of this section within 3 months after the date of official notice from the Approving Authority to do so.

(c) Storm Sewers. Storm water other than that exempted under par. (a) above and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Approving Authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Approving Authority, to a storm sewer or natural outlet.

(d) Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Any gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid or gas.

2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment

process or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

3. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. The following described substances, materials, waters or waste shall be limited in discharge to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not cause the utility to exceed regulated limits in biosolids, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Approving Authority may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Approving Authority are as follows:

- a. Wastewater having a temperature higher than 150°F. (65°C).
- b. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- c. Any water or waste which may contain more than 100mg/1 of fat, oil or grease.
- d. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of feed in kitchens for the purpose of consumption on the premises or when served by caterers.
- e. Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Approving Authority for such materials.
- f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Approving Authority.
- g. Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Approving Authority in compliance with applicable State or Federal regulations.
- h. Quantities of flow or concentrations, or both, which constitute a "slug," as defined herein.
- i. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

k. Materials which exert or cause:

i. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the load on the wastewater treatment plant.

ii. Unusual volume of flow or concentration of wastes constituting "slugs," as defined herein.

iii. Unusual concentrations of inert suspended solids such as, but not limited to, fuller's earth, lime slurries and lime residues, or of dissolved solids such as, but not limited to, sodium sulfate.

iv. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

1. Industrial/Commercial Metal Discharge Limits:

<u>Parameter</u>	<u>Limit lbs/day</u>	<u>Limit Mg/L</u>
Arsenic	0.176	3.37
Cadmium	0.025	0.472
Copper	1.245	23.9
Lead	0.324	6.23
Mercury	0.0148	0.284
Molybdenum	0.018	0.29
Nickel	0.0162	3.11
Selenium	0.029	0.556
Zinc	2.175	41.7

The Lbs/day compliance is based on daily sample results. Lbs/day is calculated as follows: Daily flow X 8.34 X mg/L sample concentration. Each day the Lbs/day is exceeded in a given test parameter that exceedance is a separate violation.

Mg/L compliance is based on the average of a "Standard Sampling Event" as defined in the Wastewater Utility Monitoring Policy. A violation occurs when the average of samples of the "Standard Sampling Event" exceeds the Limit.

In the event that a customer exceeds one or more of the limits as set forth above, the Approving Authority will take the following actions:

1. Investigate the reason for the violation.
2. Determine whether the violation was a short tem exceedance or an exceedance that unless a process change is made, will cause the customer to violate the limit on a long tem basis.
 - a. In the event of a short term exceedance, the customer will, in writing, explain to the Approving Authority why the violation occurred and explain what the corrective action will be to prevent the violation from occurring on a long term basis.
 - b. In the event of a violation that can only be remedied by a

process change, the customer will, in writing, explain to the Approving Authority what the remedy will be for the violation. That proposed remedy will include at a minimum: a proposed timetable to correct the violation, and a description of the process that will be implemented to correct the violation.

3. Upon receipt of the proposed remedies of wither type of violation, the Approving Authority will make a determination as to the reasonableness of the proposal. The Approving Authority will respond in writing to the customer with a plan that will accept or deny the proposed treatment process as well as accept or reject the timetable submitted by the customer.
4. Costs for State and Federal permit violations or cleanup costs directly attributable to violations in this ordinance will be the responsibility of the violating customer.

(e) Special Arrangements. No statement contained in this subsection shall be construed as prohibiting any special agreement between the City and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person, provided that all rates and provisions set forth in this section are recognized and adhered to.

(f) New Connections. New connections to the sewage system shall not be permitted if there is insufficient capacity in the treatment works to adequately transport and/or treat, as required by the WPDES permit, the additional wastewater anticipated to be received from such connections.

(3) MEASUREMENT AND DATA SUBMITTAL OF INDUSTRIAL/COMMERCIAL WASTES.

(a) Submission of Basic Data. All establishments discharging industrial wastes to a public sewer shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater works. Such information shall be provided as per Wis. Adm. Code NR 101. Similarly, each establishment desiring to make a new connection to public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(b) High Strength Toxic Discharges. If any waters or wastes are discharged, or proposed to be discharged, to the public sewers, which waters or wastes contain substances or possess the characteristics enumerated in sub. (2) above and which, in the judgment of the Approving Authority, may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life, health or constitute a public nuisance, the Approving Authority may:

1. Reject the wastes,
2. Require pretreatment to an acceptable limit for discharge to the public sewers,
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of sub. (2) (e) above.

The toxic pollutants subject to prohibition or regulation under this subsection shall include, but need not be limited to, the list of toxic pollutants or combination of pollutants established by Sec. 307(a) of the Clean Water Act of 1977

and subsequent amendments. Effluent standards or prohibitions for discharge to the sanitary sewer shall also conform to the requirements of Sec. 307(a) and associated regulations.

Pretreatment standards for those pollutants which are determined not to be susceptible to treatment by the treatment works or which would interfere with the operation of such works shall conform to the requirements and associated regulations of Sec. 307(b) of the Clean Water Act of 1977 and subsequent amendments. The primary source for such regulations shall be 40 CFR 403, General Pretreatment Regulations for Existing and New Sources of Pollution.

(c) Control Manholes. Each user discharging industrial wastes into a public sewer may be required by the Approving Authority to construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his wastes, including domestic sewage. Control manholes or access facilities shall be located and built in a manner acceptable to the Approving Authority. If measuring devices are to be permanently installed, they shall be of a type acceptable to the Approving Authority. Control manholes, access facilities and related equipment shall be installed by the establishment discharging the waste, at its expense, and shall be maintained by it so as to be in safe condition, accessible and in proper operating condition at all times. Plans for installation of the control manholes or access facilities and related equipment shall be approved by the Approving Authority prior to the beginning of construction.

(d) Metering of Waste. Devices for measuring the volume of waste discharged may be required by the Approving Authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned and maintained by the discharger. A maintenance schedule must be accepted by the Approving Authority. Following approval and installation, such meters may not be removed without the consent of the Approving Authority.

(e) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes. The determination shall be made by the industry as often as may be deemed necessary by the Approving Authority. Sampling shall be conducted in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Approving Authority. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the establishment discharging the waste and shall be subject to the approval of the Approving Authority. However the Approving Authority can also install a sampling facilities and have the waste sampling tested and shall then bill the cost of such installation and/or testing back to the user. The user shall be responsible to reimburse the Approving Authority within thirty (30) days after receipt of such bill for the installation and/or sampling. Access to sampling locations shall be granted to the Approving Authority or its duly authorized representative at all times. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(f) Analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location times, durations and frequencies are to be determined on an individual basis subject to approval by the Approving Authority. Determination of the character and concentration of the industrial wastes shall be made by the establishment discharging them or its agent, as designated and required by the Approving Authority. The Approving Authority may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

(g) Pretreatment. Where required, in the opinion of the Approving Authority, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater treatment works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined required to render his wastes acceptable for admission to the public sewers.

(h) Submission of Information. Plans, specifications and any other pertinent information relating to proposed flow equalization, pretreatment or processing facilities shall be submitted for review of the Approving Authority prior to the start of their constructions if the effluent from such facilities is to be discharged into the public sewers.

(i) Grease and/or Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Approving Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in sub. (2)(d)l.c. above, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Approving Authority, and shall be located as to readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Approving Authority. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

(j) Special Waste Discharge Fee. The City shall charge a special waste discharge fee in an amount set by Council resolution. Said fee shall be charged to cover the cost of pretreatment, treatment and disposal of contaminated waste products that private haulers request to be disposed of at the City treatment facility. The fee as such shall be to cover the cost for said pretreatment, treatment, and disposal. Said fee shall be in addition to the normal fee charged by the City to dispose of said waste. The fee to disposed of said waste shall also be set by Council resolution.

(4) RIGHT OF ENTRY, SAFETY AND IDENTIFICATION. (a) Right of Entry. The Approving Authority or other duly authorized employee of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation and testing, all in accordance with the provisions of this section and State laws. The Approving Authority of other duly authorized employee of the City shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(b) Safety. While performing the necessary work on private premises referred to in par. (a) above, the duly authorized City employees shall observe all safety rules applicable to the premises established by the owner or occupant and the City shall indemnify the owner against loss or damage to its property by the City employees and against the liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation by the City employees; except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in sub. (3)(e) above.

(c) Identification, Right to Enter Easements. The Approving Authority and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement, all subject to the terms, if any, of the agreement.

(5) SEWER CONSTRUCTION (BUILDING SEWERS).

(a) Work Authorized. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a plumbing permit and street opening permit from the City of Clintonville. No contractor, plumber, pipe fitter or other person shall be permitted to do work on any public sewer or building sewer without first receiving a license from the State of Wisconsin, except in cases where State law permits building owners to do their own work without being licensed. Prior to commencement of the work, the permittee shall notify the City at least 48 hours before beginning excavations.

(b) Cost of Sewer Connection. 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. Upon completion of the building sewer, the owner shall be responsible for all maintenance costs.

(c) Use of Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Approving Authority to meet all requirements of this section.

(d) Materials and Methods of Construction. The size, slope, alignment, materials of construction

of 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 the Wisconsin Administrative Code, the State Department of Natural Resources, the Building and Plumbing Codes and other rules and regulations of the City. In the absence of code provisions or an amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(e) Building Sewer Grade. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(f) Storm and Ground Water Drains. No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer. All existing downspouts or ground water drains, etc., connected or indirectly to a public sanitary sewer must be disconnected no later than 60 days from the date of an official written notice by the Approving Authority. Exceptions to the above shall be made only by the Approving Authority in writing.

(g) Conformance to Plumbing Codes. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Approving Authority before installation. All connections to existing sewer mains shall be made with a saddle "T" or "Y" fitting set upon a carefully cut opening centered in the upper quadrant of the main sewer pipe and securely strapped on with corrosion-resistant straps or rods, or with solvent-welded joints in the case of plastic pipe.

(h) Inspection of Connection. The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority.

(i) Barricades; Restoration. All excavations for the building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(6) SEPTIC TANK AND HOLDING TANK DISPOSAL.

(a) Permit Required. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any portion of the City treatment works unless a permit for disposal has been first obtained from the City. Written application for this permit shall be made to the City and shall state the name and address of the applicant; the number of its disposal units; and the make, model and license number of each unit. Permits shall be nontransferable except in the case of replacement of the disposal unit for which a permit shall have been originally issued. The time and place of disposal will be designated by the City. The City may impose such conditions as it deems necessary on any permit granted.

(b) Billing. Charges for disposal shall be established in accordance with the City user charge system. Bills shall be mailed on a monthly basis and if payments are not received in 30 days thereof, disposal privileges shall be suspended.

(c) Liability Insurance. Any person or party disposing of septic tank or holding tank sludge agrees to carry public liability insurance in an amount not less than \$100,000 to protect any and all persons or property from injury and/or damage caused in any way or manner by an act, or failure to act, by any of his employees. The person shall name the City as co-insured and furnish a certificate certifying such insurance to be in full force and effect and will not be cancelled, altered or coverage reduced without a 10 day notice to the City.

(d) Discharge Regulated. All materials discharged to the treatment works shall be of domestic origin only and septic tank wastes shall be segregated from holding tank wastes. The discharger shall also certify

that he will comply with the provisions of any and all applicable provisions of the City and will not deposit or drain any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole nor allow any earth, sand or other solid materials to pass into any part of the treatment works.

(e) Indemnification. The person disposing waste agrees to indemnify and save harmless the City from any and all liability and claims for damages arising out of or resulting from work and labor performed.

(f) Bond. The person or party disposing waste shall furnish bond to the City in the amount of \$1,000 to guarantee performance. Said performance bond shall be delivered to the City prior to the issuance of the permit hereunder.

(7) **DAMAGE OR TAMPERING WITH SEWAGE FACILITIES.**

(a) Willful, Negligent or Malicious Damage. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is apart of the sewage facilities. Any person violating his provision shall be subject to immediate arrest under a charge of disorderly conduct.

(b) Liability of Discharger For Losses. Any person who intentionally, negligently or accidentally violates any provisions of this section shall become liable to the City or any downstream user for any expense, loss or damage occasioned by reason of such violation which the City or any downstream user may suffer as a result thereof. This subsection shall be applicable whether or not a written notice of the violation was given as provided in sub. (8)(a) below and without consideration for any penalties which may be imposed for a violation of this section.

(8) **VIOLATIONS AND PENALTIES.**

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

(b) Accidental Discharge. Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system which causes damage to the treatment facility and/or receiving body of water shall, in addition to a forfeiture pay the amount to cover damage, both values to be established by the Approving Authority.

(c) Continued Violations. Any person, partnership or corporation or any officer, agent or employee thereof, who shall continue any violation beyond the aforesaid notice time limit provided, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, together with the costs of prosecution. In default of payment of such forfeiture and costs, said violator shall be imprisoned in the appropriate County Jail for a period not to exceed 30 days. Each day in which any violation is continued beyond the aforesaid notice the time limit shall be deemed a separate offense.

(d) Liability to the City For Losses. Any person violating any provision of this section shall become liable to the City for any expense, loss or damage occasioned by reason of such violation which the City may suffer as a result thereof.

(9) **APPEAL**. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Approving Authority interpreting or implementing the provisions of this section or in any permit issued herein, may file with the Approving authority a written request for reconsideration within 10 days setting forth in detail the facts supporting the user's request for reconsideration.

(10) **AMENDMENT**. The Council reserves the right to amend this section in part or in whole wherever it may deem necessary, but such right shall be exercised only after due notice to all persons concerned and proper hearing on the proposed amendment.

13.23 SEWER USER CHARGES.

(1) DEFINITIONS.

(a) Fixed Charge. The charge for the cost of debt retirement associated with the construction, erection, modification or rehabilitation of the wastewater treatment works.

(b) Operation and Maintenance (O&M). Includes all costs associated with the operation and maintenance of the wastewater treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining the capacity and performance of the wastewater treatment facilities.

(c) Replacement. Expenditures for processing and installing equipment, accessories and appurtenances necessary during the useful life of the treatment works to maintain its designed capacity and performance.

(d) Residential User. Any user whose premises are used primarily as a domicile for one or more persons and discharges only domestic wastes, but not including multi-family dwellings classified as commercial users.

(e) Sewer Service Charge. A charge levied on users of a treatment works for the user's proportional share of the cost of operation and maintenance, including replacement, of such works.

(f) Sewer Use Charge. The charge levied on users of the wastewater collection and treatment facilities for capital-related expenses as well as operation and maintenance costs of said facilities.

(g) Unmetered User. A user who is not connected to the municipal water system and thereby does not have his private water supply metered.

(h) User Charge System. That system which generates operation, maintenance and replacement (O,M,&R) revenues equitably for providing each user category with services.

(i) Volume Charge. A sewer use charge based upon normal strength wastewater quantities.

(2) BASIS FOR SEWER USER CHARGES.

(a) Sewer Users Served by Water Utility Water Meters. There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a user charge based, in part, on the quantity of water used as measured by the water utility water meter used upon the premises.

(b) Sewer Users Served by Unmetered Sources. Except as provided below, no sewer user shall be served by unmetered sources, private or public. All persons discharging sewage into the public sanitary sewer shall be required to have water meters installed for the purpose of determining the volume of water consumed. Where sewage meters are already installed, the water meters will not be required. Water meters shall be furnished by the City and installed under its supervision.

(c) Measurement of Flow From High Strength or Toxic Waste Discharges.

1. Computation of User Charge. The volume of flow used for computing of the user as shown in the records of meter readings maintained by the City, except as noted in par. (d) below.

2. Provisions for Deductions. In the event that an establishment discharging industrial waste into the public sewers produces evidence satisfactory to the Approving Authority that more than 20% of the total annual volume of water used for all purposes does not reach the public sewer, the determination of the water consumption to be used in computing the waste volume discharging into the public sewer may be made a matter of agreement between the Approving Authority and the person. Satisfactory evidence shall be evidence obtained by approved metering.

(d) Metering of Industrial Waste. See sec. 13.22(3)(d) of this chapter.

(e) Waste Sampling. See sec. 13.22(3)(e) of this chapter.

(f) Free Service Prohibited. No user shall receive free service or pay a sewer use charge less than the user's proportional share of operation, maintenance and replacement costs.

(3) BILLING PRACTICE.

(a) Billing Period. Fixed variable charges for all customers shall be billed on a monthly basis. (Adopted 9-9-98)

(b) Payment. Sewerage service charges shall be payable 20 days after the billing date to the City.

(c) Penalties. Charges levied in accordance with this section shall be a debt due to the City. If the debt is not paid within 20 days after it is due and payable, it shall be deemed delinquent. There shall be an added penalty of 1% of the amount of the monthly bill per month and all unpaid balances will be compounded monthly. Charges and penalties shall constitute a lien upon the property serviced and be recorded on the tax roll of the City. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

(d) Notification. Each user shall be notified of rates at least annually, as required by State Statute.

(4) Amount of user Charges

(a) The Common council from time to time will set appropriate user charges by resolution.

(5) STATUS OF PRE-EXISTING AGREEMENTS. The user charge system set forth in this section shall take precedence over any pre-existing agreement which is inconsistent with the governing provisions of this program.

(6) AUDIT. The City shall conduct an annual audit, the purpose of which shall be to demonstrate the continued proportionality and sufficiency of the user charges relative to changes in system operation, maintenance and replacement costs.

(7) REPLACEMENT FUND. The City shall establish a separate and distinct replacement fund in accordance with recognized account practices.

(8) EXCESS REVENUES. The City shall apply excess revenues collected from a user class to OMR costs attributable to that class for the next year.

(9) AMENDMENT. The Council, through its duly qualified officers, reserves the right to amend this section in part or in whole wherever it may deem necessary, but such right will be exercised only upon public notice and proper hearing on the proposed amendment.

SUBCHAPTER III: WELLHEAD PROTECTION ORDINANCE

(1) Title.

This subchapter shall be known, cited and referred to as the "Wellhead Protection (WHP) Ordinance."

(2) Purpose and authority.

The residents of the City of Clintonville 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 the Wellhead Protection Ordinance is to institute land use regulations and restrictions to protect the city's municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the City of Clintonville.

(3) Application of regulations.

The regulations specified in this Wellhead Protection Ordinance shall apply only within the City of Clintonville's corporate limits and to all lands in the city that lie within the well fields' recharge areas extending to the groundwater divide.

(4) Definitions.

As used in this subchapter, the following terms shall have the meanings indicated:

- (A) **AQUIFER** -- A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (B) **TING FACILITIES WHICH MAY CAUSE OR THREATEN TO CAUSE ENVIRONMENTAL POLLUTION** -- Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the City of Clintonville well fields' recharge areas are listed in the Wisconsin Department of Natural Resources' draft, "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution."
- (C) **GROUNDWATER DIVIDE** -- Ridge in the water table, or potentiometric surface, from which groundwater moves away at right angles in both directions. Line of highest hydraulic head in the water table or potentiometric surface.
- (D) **RECHARGE AREA** -- Area in which water reaches the zone or saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
- (E) **WELL FIELD** -- A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(5) Groundwater Protection Overlay District.

- (A) **Intent.** The City of Clintonville recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Groundwater Protection Overlay District is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the City of Clintonville's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial or industrial zoning districts or any other provisions of the zoning ordinance.
- (B) **Overlay zones.** The Groundwater Protection Overlay District is hereby divided into Zone A and Zone B as follows:
 - (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B. Zone A is within 1,000 feet of any well.

- (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as the area where there is a lower probability of surface contamination reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (C) Map. The locations and boundaries are established by this subchapter as set forth on the enclosed map which is incorporated herein and hereby made a part of this subchapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this subchapter as though fully set forth and described herein.
- (D) Zone A prohibited uses. The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone A of the Groundwater Protection Overlay District:
- (1) Areas for dumping or disposal of garbage, refuse or demolition material.
 - (2) Asphalt products manufacturing plants.
 - (3) Automotive laundries.
 - (4) Automotive service stations.
 - (5) Building materials and products sales.
 - (6) Cartage and express facilities.
 - (7) Cemeteries.
 - (8) Chemical storage, sale, processing or manufacturing plants.
 - (9) Dry-cleaning establishments.
 - (10) Electronic circuit assembly plants.
 - (11) Electroplating plants.
 - (12) Exterminating shops.
 - (13) Fertilizer manufacturing or storage plants.
 - (14) Foundries and forge plants.
 - (15) Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 - (16) Highway salt storage areas.
 - (17) Industrial liquid waste storage areas.
 - (18) Junkyards and auto graveyards.
 - (19) Metal reduction and refinement plants.

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- (20) Mining operations.
 - (21) Motor and machinery service and assembly shops.
 - (22) Motor freight terminals.
 - (23) Paint products manufacturing.
 - (24) Petroleum products storage or processing.
 - (25) Photography studios, including the developing of film and pictures.
 - (26) Plastics manufacturing.
 - (27) Printing and publishing establishments.
 - (28) Pulp and paper manufacturing.
 - (29) Residential dwelling units on lots less than 15,000 square feet in area. However, in any residence district, on a lot of record on the effective date of this subchapter, a single-family dwelling may be established regardless of the size of the lot, provided that all other requirements of the City of Clintonville Zoning Ordinance are complied with.
 - (30) Septage disposal sites.
 - (31) Sludge disposal sites.
 - (32) Storage, manufacturing or disposal of toxic or hazardous materials.
 - (33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
 - (34) Woodworking and wood products manufacturing.
- (E) Zone A conditional uses. The following conditional uses may be allowed in the Groundwater Protection Overlay District, subject to the provisions of the City of Clintonville Zoning Ordinance:
- (1) Any other business or industrial use not listed as prohibited use.
 - (2) Animal waste storage areas and facilities.
 - (3) Center-pivot or other large scale irrigated agriculture operations.
- (F) Zone B prohibited uses. The following principal or accessory uses are hereby prohibited within Zone B of the Groundwater Protection Overlay District:
- (1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
 - (2) Zone B Conditional Uses. The following conditional uses may be allowed in the Groundwater Protection Overlay District, subject to the provisions of the City of Clintonville Zoning Ordinance:

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- (3) Any business or industrial use.

(6) Enforcement and penalties.

- (A) Violations. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this subchapter. In case of any violation, the City of Clintonville or Clintonville Water and Light Utility or any person who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this subchapter.
- (B) Penalties. Any person, firm or corporation who fails to comply with the provisions of this subchapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500, plus the costs of prosecution for each violation, or, in the alternative, shall have such costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(7) Exemptions and waivers.

- (A) Exemption and conditions for existing facilities which may cause or threaten to cause environmental pollution.
 - (1) Facilities shall provide copies of all federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to Clintonville Water and Light Utility.
 - (3) Facilities shall provide additional environmental or safety monitoring as deemed necessary by Clintonville Water and Light Utility.
 - (4) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (B) Exemptions for future nonpermitted uses.
 - (1) Individuals may request Clintonville Water and Light Utility in writing to permit additional land uses in the City of Clintonville Groundwater Protection Overlay District.
 - (2) All written requests to permit additional land uses in the City of Clintonville Groundwater Protection Overlay District must include an environmental assessment report prepared by a licensed environmental engineer on the proposed land use and include payment for Clintonville Water and Light Utilities' review.
 - (3) Any exemptions granted will be made conditional and may include environmental and safety monitoring. The exemption will be made void if environmental and safety monitoring indicate the facility is emitting any releases of harmful contaminants to the surrounding environment. The facility will stop operation until cleanup occurs and another environmental assessment is submitted to Clintonville Water and Light Utility with payment for review. (The facility will be held financially responsible for all environmental cleanup costs. Clintonville Water and Light Utility may condition a bond to be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.)

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- (4) Exempted facilities must also provide Clintonville Water and Light Utility with the items contained in Subsection (1) of this section.