

TABLE OF CONTENTS

TOWN OF MENASHA MUNICIPAL CODE

Chapter 28 - Sewer and Water Public Utilities Commission

I. SEWER AND WATER PUBLIC UTILITIES COMMISSION

- 28.01 Utility District Commission for the Town of Menasha
- 28.02 The Utility Commission Meetings, Special Meetings and Procedures
- 28.03 The Neenah-Menasha Wastewater Treatment Service Contract
- 28.04 The Grand Chute-Menasha West Sewage Treatment Commission Contract
- 28.05 – 28.09 Reserved

II. WASTEWATER / SANITARY SEWER REGULATIONS

- 28.10 Intent of Code of Regulations
- 28.11 Definitions
- 28.12 Sanitary Sewer Installation and Connection Permits
- 28.13 Design and Construction of Sewer Main and Facilities
- 28.14 Use of Public Sewers Required
- 28.15 Building Sewers and Connections
- 28.16 On-Site Sewerage Disposal Systems Ltd
- 28.17 Sewerage Control
- 28.18 Protection from Damage
- 28.19 Powers and Authority of Inspectors
- 28.20 Abatement Procedures
- 28.21 Sewer Service Charge and Connection Charge
- 28.22 Sewer/Water Combined Bills Apportioned
- 28.23 Industrial Surcharge Formula
- 28.24 Private Sewer System; Connection to District Facilities, Ltd
- 28.25 Mandatory Connection to Sewer and Water
- 28.26 Placement of Manholes on Sewer Lines
- 28.27 Permit Required for Maintenance and/or Repair Work
- 28.28 Air Testing of Sewer Mains
- 28.29 Multiple Family Units Lateral Size
- 28.30 Sewer Service to Properties of Low Elevation
- 28.31 Capital Cost, Replacement, Connection Fees and Impact Fees
- 28.32 Recapture Policy
- 28.33 – 28.39 Reserved.

III. PUBLIC WATER SUPPLY UTILITY REGULATIONS

- 28.40 Intent of Code of Regulations
- 28.41 Installation and Connection to Public Water Supply
- 28.42 Design and Construction of Water Main and Attachments Thereto
- 28.43 Meter Specification Requirements
- 28.44 Testing Water Mains Required
- 28.45 Notification of District Prior to Maintenance or Repair Work
- 28.46 Private Water Facilities / Multiple Connections
- 28.47 Protection from Contamination Due to Backflow of Contaminants
- 28.48 Use of Public Water Facility of Town of Menasha Utility District Required
- 28.49 Unauthorized Use of Water; Damage or Tampering With Water Supply
- 28.50 Abandonment of Wells Required
- 28.51 Lawn Sprinkling Regulated
- 28.52 Allocation of Payment for Services Provided by Town of Menasha Utility District
- 28.53 Replacement and Depreciation and Impact Fee
- 28.54 Well Head Protection Ordinance
- 28.55 - 28.59 Reserved.

IV. ENFORCEMENT AND SEVERABILITY

- 28.60 Penalties
- 28.61 Severability

CHAPTER 28

I. SEWER AND WATER
PUBLIC UTILITIES COMMISSION

[Amended 4/26/10]

28.01 UTILITY DISTRICT COMMISSION FOR
THE TOWN OF MENASHA

- (1) **The Utility District Commission.** The Commission shall consist of the five (5) elected supervisors for the Town of Menasha. The election to the position of supervisor shall automatically cause the supervisor to be a member of the Utility District Commission.
- (2) A majority of the members of the Commission shall constitute a quorum. The Utility District Commission shall have jurisdiction over the operational policies for the storm water, water and sewer utilities, subject to the rules and regulations of the Wisconsin Public Service Commission, the Department of Natural Resources and other regulatory agencies as they may apply.
- (3) Any action taken by the Utility District Commission shall have the full force and effect as an action by the Town Board of the Town of Menasha.

28.02 UTILITY COMMISSION MEETINGS,
SPECIAL MEETINGS AND PROCEDURES

- (1) **Regular Meetings.** Regular meetings of the Utility District Commission shall be held on the 2nd (second) and the 4th (fourth) Mondays of each calendar month at 5:00 P.M. The meetings are hereby scheduled at the same time and place as regular Town Board meetings. The Utility District Commission business shall be designated separately on the Agenda and Agenda items requiring action of the Utility District Commission during said meetings shall be considered actions of the Utility District Commission. Any regular meeting falling on a legal holiday shall be held the next following Monday at the same hour and place unless separate action is taken by the Utility District Commission and an alternate meeting date and time is published by the Clerk.
- (2) **Place of Meetings.** All meetings of the Commission, including special and adjourned meetings, shall be held in the Town Hall of the Town of Menasha.
- (3) **Quorum.** A majority of the members of the Utility District Commission shall constitute a quorum.
- (4) **Withdrawal from Meetings.** No member at any meeting of the Commission shall withdraw therefrom, thereby causing the members present to be less than a quorum, without permission from the presiding officer, and any member so withdrawing without such permission may be compelled to return and may be punished by the forfeiture not exceeding \$25.00.

- (5) **Order of Business.** The order of business shall be adopted as a written policy by the Utility District Commission and shall be kept on file as a resolution with the Clerk of the Utility District Commission. Said resolution designating the order of business shall further be attached to this ordinance as Appendix B. Amendments to the order of business by resolution of the Town Board shall cause an amendment to Appendix A without requiring an amendment of this ordinance.
- (6) **Presiding Officer.** The Utility District Commission President shall preserve order and conduct the proceedings of the meeting. A member may appeal from the decision of the presiding officer. Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer.

If the President is absent at any meeting, the Secretary shall call the meeting to order and preside until the Commission selects a member to preside for that meeting.

The presiding officer may speak upon any question, but to make any motion, he must vacate the chair and designate a member to preside temporarily.

- (7) **Special Meetings.** Special meetings of the Utility District Commission may be called by the President or by two (2) Commissioners by filing a written request with the Clerk of the Town of Menasha at least twenty-four (24) hours prior to the time specified for the meeting. The Clerk shall immediately notify each Commissioner of the time and purpose of such meeting. The notice shall be delivered to each Commissioner personally or left at his usual place of a vote at least eighteen (18) hours prior to the time set for the meeting. The Secretary shall cause an Affidavit of Service of such notice to be filed in the Town of Menasha offices prior to the time fixed for such special meeting. The special meetings may be held without notice when all members of the Utility District Commission are present or consent in writing to the holding of said meeting. Unless all Commissioners are in attendance, no business shall be conducted or transacted at a special meeting except for the purpose stated in the notice thereof. The order of business shall be as the presiding officer shall direct.
- (8) **Ordinances and Resolutions.** Ordinances, resolutions, by-laws, communications and other matters submitted to the Utility District Commission shall be read by title and author and referred for the appropriate review, study, or report by the President.

28.03 THE NEENAH-MENASHA WASTEWATER TREATMENT SERVICE CONTRACT

(1) **Purpose of Contract.** The Town of Menasha Sanitary District No. 4 in 1982 began contracting with the Neenah-Menasha Sewage Commission for wastewater treatment or a Wastewater Service Contract. Upon the dissolution of Sanitary District No. 4 of the Town of Menasha and the assumption of liabilities and assets of the sanitary district by the Town of Menasha Utility District Commission, the Town of Menasha Utility District became the signatory member to the current Wastewater Treatment Service Contract. The purpose of the contract is to process raw sewage collected in the Town of Menasha system and treat said wastewater in accordance with the State of Wisconsin and United States Wastewater Treatment requirements. The contract imposes limitations, restrictions, requirements and duties upon the Utility District Commission necessary to the proper transport and treatment of the wastewater. The contract further designates specification of costs and charges back to the municipality for the wastewater treatment which records of costs are kept on file by the Clerk of the Town of Menasha Utility District.

(2) **Authority of the Neenah-Menasha Sewage Commission to Adopt Rules and Regulations.** The contract and the Utility District of the Town of Menasha specify and agree that Commission known as the Neenah-Menasha Sewage Commission (NMSC) shall have the authority to adopt any ordinance and any rules and regulations necessary or expedient to enable to carry out its powers of duties as set forth in the contract between the parties. Such ordinances, rules and regulations shall at a minimum allow the Neenah-Menasha Sewage Commission to do the following:

- a) Deny or condition any increased or new discharges to the local sewage system or the regional system;
- b) Require compliance by industrial users with Federal, State of Wisconsin, Commission and contracting municipality pre-treatment standards;
- c) Control industrial discharges to the local sewer systems and the regional system to insure compliance with Sub Paragraph "b" above;
- d) Require the development by an industrial user of a compliance schedule for the installation of facilities required by the rules and regulations of the Commission;
- e) Require submission by industrial users of self-monitoring reports necessary to assess and assure compliance with the ordinances, rules and regulations of the Commission, upon reasonable notice; and

f) No ordinances or rules and regulations shall be promulgated by the Commissioner until after a public hearing has been held where all interested parties have had an opportunity to be heard with respect thereto.

(3) **Membership of Neenah-Menasha Sewage Commission.** The Neenah-Menasha Sewage Commission consists of seven (7) members appointed by member municipalities and the Town of Menasha shall appoint to the Commission one (1) Commissioner which appointment shall be confirmed by unanimous vote of the remaining members of the governing body of the Town of Menasha Utility District Commission. The Commissioner appointed shall serve on the Commission for the terms and under the conditions specified by the contract, Article II, Establishing Creation and Powers and Duties of the Commission.

(4) **Application of Regulations.** Ordinances, rules and regulations contained in the contract and all subsequent rules, regulations and ordinances, validly adopted by the Commission shall be applicable to all portions of the Town of Menasha Utility District serviced by any sewer line, which carries wastewater to the wastewater treatment facility of the Neenah-Menasha Sewage Commission.

(5) **Wastewater Treatment Service Contract.** A complete copy of the Wastewater Treatment Service Contract between the Town of Menasha Utility District and the Neenah-Menasha Sewage Commission shall be kept as a permanent public record by the Clerk of the Town of Menasha and said contract shall be available upon request to the Clerk's office. Amendments and changes in the contract which occur subsequent to the adoption of the codification of these ordinances shall also be kept on file by the Clerk and shall be acknowledged as part of the contract and said rules, regulations and ordinances shall have full force in effect as if adopted within the original contract between the parties. Amendments to the contract shall be consistent with the contractual agreement between the parties.

28.04 THE GRAND CHUTE-MENASHA WEST SEWAGE TREATMENT COMMISSION CONTRACT

- (1) **Creation Powers and Duties of Commission.** A Commission has been created pursuant to WI Stat. 66.30 to act as the agent of contracting municipalities in the operation, maintenance and management of a regional wastewater treatment system. The contracting municipalities have determined that a regional sewage collection treatment and disposal system will best protect the human life, health, fish and aquatic life, scenic and ecological values, and domestic, municipal, commercial, industrial, agricultural and other users' water. To that end, the Commission shall have and exercise the powers of the contracting municipalities with respect to acquiring, construction, operating, maintaining, managing and administering sewage collection, treatment and disposal facilities for the contracting municipalities as an agency of the contracting municipalities for applying and enforcing sections of the Clean Water Act of 1977 as amended (33 U.S. Code Sec. 12.51, et. Seq.) and Chapter 283 of WI Stat. as amended and any regulations or rules promulgated pursuant thereto or as may be specified herein or by amendment or supplement of the ordinance contract.
- (2) **Regulatory Powers of the Grand Chute-Menasha/West Commission.** The Commission shall have the power to plan, design, purchase, acquire, construct, extend, add to, improve, control, operate, manage, maintain, and hold title to such real and personal property, including a wastewater treatment plant, interceptor mains, and the plans and specifications to develop in connection therewith, in order to provide the contracting municipalities with adequate and sufficient sewage collection, treatment and disposal services and to produce a treatment plant affluent which makes or exceeds affluent standards established by the Wisconsin Pollution Discharge Elimination System Permit issued by the State of Wisconsin to the Commission. The Commission shall further modify, enlarge, abandon or replace such facilities and hold apart from time to time as deemed necessary by the Commission to efficiently transport, treat or dispose of contracting municipalities wastewater and to continue to produce a treatment plant affluent which meets or exceeds affluent standards established by the Wisconsin Pollution Discharge Elimination System Permit. The Commission shall further have the power to handle and dispose of the solids (sludge) generated by the above processes and the power of sludge disposal operations defined in the contract. The Commission shall further apply and enforce the pre-treatment program as required by the Clean Water Act of 1977 and the General Pre-Treatment Regulations for Existing and New Sources of Pollution (40 C.F.R. Part 403) promo dated by the Environmental Protection Agency (EPA) and the Pre-Treatment Regulations promulgated by the State of Wisconsin (Chapter NR-211, Wisconsin Administrative Code).

(3) **Rules and Regulatory Powers.**

- (a) The Commission shall adopt all rules and regulations necessary to enable it to carry out its powers and duties as set forth herein. Such rules and regulations shall at a minimum allow the Commission to do the following:
- (1) Deny or condition any increase or new discharges into the local sewer system or regional system;
 - (2) Require compliance by industrial users with Federal, State of Wisconsin and contracting municipalities' pre-treatment standards;
 - (3) Control industrial, commercial and residential discharges to the local sewer systems and regional systems to ensure compliance with Federal, State and local pre-treatment standards and any rules and regulations of the Commission;
 - (4) Require the development by industrial or commercial user of a compliant schedule for the installation of facilities required by the rules and regulations of Commission; and
 - (5) Require submission by industrial or commercial users of notice and self-monitoring reports necessary to assess and ensure compliance with the rules and regulations of the Commission.
- b) The Commission and any of its authorized representatives shall have the power to make investigations and inspections for all of the users of the Town of Menasha and/or the Town of Menasha Utility District and all local sewer systems contained therein and shall develop surveillance and monitoring procedures to assure compliance with any rule and regulation of the Commission. The Town of Menasha Utility District shall enforce such rules, regulations, and ordinances necessary to comply with the requirements of the Grand Chute-Menasha West Sewage Commission.
- (4) **Application of Rules and Regulations of Commission and Ordinance Contract.** The Ordinance Contract and rules and regulations and ordinances arising out of the contract for wastewater treatment shall be applicable to all sewer lines in and/or passing through the Town of Menasha and contributing wastewater to the Grand Chute-Menasha West Wastewater Treatment Facility.
- (5) **Continuation of Contract and Amendments Thereto.** The Contract Ordinance entered into by the Town of Menasha Utility District shall continue in full force and effect until such time as termination occurs in the contract or said contract expires. That the contract ordinances rules and regulations will be amended from time to time and the ordinances rules

and regulations are hereby made part of and adopted by reference as they occur and shall constitute a portion of the contract as if in full force and effect at the commencement of the contract. The Town of Menasha Clerk shall keep on file a complete copy of contract and all amendments thereto and make available for inspection upon request by any person.

- (6) **Membership in the Commission.** Pursuant to the contract, the Commission consists of seven (7) members. The Town of Menasha Utility District shall appoint three (3) representatives to the Commission pursuant to Article II of the Ordinance Contract. Commissioners shall be selected by the Town Board of the Town of Menasha and shall be persons elected pursuant to 60.74 (3) WI Stats. as members of the Town Board.

II. WASTEWATER/SANITARY SEWER REGULATIONS

28.10 INTENT OF CODE OF REGULATIONS

The intent and purpose of this ordinance and the regulations contained herein is to provide specific enforceable rules and regulations pertaining to the regulation of the design, construction and use of sewer mains and facilities, the building of sewers and connections thereof, and the discharge of waters and waters into the public sewer system.

28.11 DEFINITIONS

For the interpretation and enforcement of this section, certain words and terms are defined as follows:

Biochemical Oxygen Demand (BOD): shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Building Drain: shall mean that part of the lower horizontal piping of a drainage system that receives the discharge of soil, waste and other drainage pipes inside any building and conveys same to the building sewer by gravity flow.

Building Sewer: shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection, building connection or lateral.

Enacting Municipal Corporation (EMC): shall mean the Municipal Corporation, or municipal entity adopting this Ordinance. As hereinafter used, the term “Enacting Municipal Corporation” shall show as “EMC”.

Combined Sewer: shall mean a sewer intended to receive both wastewater and storm or surface water.

Director of Public Works: as used throughout this Ordinance shall be the Director of Public Works, if any, the

Plant Manager, Plant Superintendent, or Operating Official of the Town of Menasha Utility District. If the EMC does not, from time to time, appoint or have acting as a plumbing inspector, as that term is titled and used within this Ordinance, the term “Director of Public Works” shall be considered synonymous with the term “Plumbing Inspector”.

Easement: shall mean an acquired legal right for the specific use of land owned by others.

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

Garbage: shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

Industrial Wastes: shall mean the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Manager: shall mean the manager of the wastewater facilities, and the wastewater treatment works of the Grand Chute - Menasha West Sewerage Commission, and/or the Neenah-Menasha Sewerage Commission or their authorized deputies, agents, or representatives.

May is permissive. (See “shall”, subparagraph (23)).

Natural Outlet: shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Grand Chute- Menasha West Sewerage Commission (GCMW Sewerage Commission) (GC-MWSC): shall include the sewage treatment plant and interceptors under the jurisdiction of the Commission which transport and treat sewerage of the EMC.

Neenah-Menasha Sewerage Commission (NMSC): shall include the sewerage treatment plant and interceptors under the jurisdiction of the Commission that transport and treat sewerage from the EMC.

Person: shall mean any individual, firm, company, association, society, corporation, or group.

pH: shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10⁻⁷.

Properly Shredded Garbage: shall mean the wastes from the preparation, cooking, and dispensing of foods 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 ½ inch (1.27 centimeters) in any dimension.

Public Sewer: shall mean a common sewer controlled by a governmental agency or public utility.

Sanitary Sewer: shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with the incidental quantities of ground, storm, and surface waters that are not admitted intentionally.

Separator: is a device or structure designed and installed so as to retain deleterious, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sanitary sewer system by gravity. A “separator” is sometimes called an “interceptor” but is not to be confused with “interceptor sewers” which are used to convey large amounts of sewage.

Sewage: is the spent water of a community. The preferred term is “wastewater”. (See subparagraph (31)).

Sewer: shall mean a pipe or conduit that carries wastewater or drainage water.

Shall: is mandatory. (See “may”, subparagraph (12)).

Slug: shall mean any discharge or change in rate of discharge of water, wastewater or pollutant concentrations from any source to the sanitary sewer system that causes or may cause physical damage or interferes with the treatment processes or results in violation of effluent limitations.

Standard Methods: shall be the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association.

Storm Drain: (sometimes termed storm sewer) shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Storm Water: is that water which originates from rainfall and/or snowmelt.

Suspended Solids: shall mean a total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods”.

Unpolluted Water: is 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 any discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater: shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Wastewater Facilities: shall mean the structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Works: shall mean an arrangement of devices and structures for the treating and disposing wastewater, industrial wastes, and sludge. Sometimes used as synonymous with “waste treatment plant” or “wastewater treatment plant” or “waste pollution control plant”.

Watercourse: shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

28.12 SANITARY SEWER INSTALLATION AND CONNECTION PERMITS

- (1) **Permit Required.** No person shall make any connection of any sanitary sewer facilities or lines in the Town of Menasha Utility District without first obtaining a permit from the Utility. A permit fee shall be charged for the hooking of any wastewater line or facility to the sewer main. The Manager or Director of Public Works shall be informed in writing as to the size of the connection to be installed or connection to the sewer main.

The permit application shall be made on forms approved by the Utility District and kept on file with the Clerk of the Utility District. Charges or fees for inspections and/or connections shall be established and kept on file by the Clerk of the Utility District and shall be amended from time to time to reflect the appropriate charges necessary for the operation of the district.

- (2) **Installation Requirements.** The permit shall allow the hookup or installation of a connection to the sewer main as designated on the permit. The permit shall contain information to notify the Utility District of the time and place of the installation of the lateral or the hookup for connection. No sewer or water lateral installation shall be completed and covered without first being inspected by Utility District inspectors. At the time that the said connection is completed, the Utility District designated inspector shall inspect the connection and the lateral up to the building being connected.
- (3) **Final Inspection.** The permit shall contain a “final approval” signature line that will be required to be signed before covering the sewer lateral installation or other type of connection. In the event no inspection is made and the “final approval” is not obtained, the Utility District shall have the right to disconnect any lateral not so inspected and approved. The Manager or Director of Public Works of the Utility District shall be notified at least 24 hours before the actual hookup of any connection or lateral so that a member of the Utility District and/or its inspector may be present when the work is actually being completed.

(4) **Applications.**

- (a) Application for sanitary sewer service shall be made by the owner or authorized agent of the property in writing on a form furnished by the Utility District. The application shall contain 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 sewer pipe.
- (b) The Manager or Director of Public Works is hereby empowered to withhold approval of any application wherein full information of the purpose of such use of Town of Menasha Utility District sewers is not clearly indicated and set forth by the applicant property owner.

- (5) **Compliance with Rules.** All persons receiving sewer service from the Town of Menasha Utility District who may hereafter make application therefore, shall be considered as having briefed be bound by the rules and regulations as passed in ordinance form by the Utility District and all rules and regulations of the Public Service Commission or the regulatory services of the State of Wisconsin.

28.13 DESIGN AND CONSTRUCTION OF SEWER MAIN AND FACILITIES

- (1) All new sewer mains and facilities of the EMC shall be designed by a Professional Engineer in accordance with Wisconsin Statutes, applicable to the Design and Construction of Sewer Main and Facilities, and the Administrative Regulations of the Wisconsin Department of Natural Resources prior to construction. Design shall be in accordance with good engineering practice, such as the latest edition of "Recommended Standards for Sewage Works", a committee report of the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers.
- (2) A review shall be made by the Manager concerning the impact upon the sewerage system of any additional sewage generated by construction of new extensions and alteration to or installation or pretreatment facilities. His approval shall be required before construction of the sewers or pretreatment facilities begins. Approval shall be denied if the Manager determines that the additional sewage or change (s) in the sewage characteristic (s) will overload the system or result in a condition detrimental to the operation, safety and/or structural integrity of the system or any part thereof.
- (3) Construction of all new or replacement sewer mains, new stub outs, and facilities within the EMC which are being installed under contract with the EMC shall be adequately inspected by the Public Works Department, or the Director of Public Works. The construction shall comply with the Wisconsin Department of Natural Resources approved conditions, the "Standard Specifications for Sewer and

Water Main Construction" for the EMC and the special provisions of the individual specifications.

- (4) There shall be no direct or indirect cross connections between the sanitary sewer system and any other utility system in the EMC, either on private or public property. Any cross connections discovered shall be reported to the Director of Public Works, Plumbing Inspector, or Manager and shall be promptly corrected.
- (5) In addition to the requirements of Subparagraph (2) above relative to the design and construction of sewer main and facilities, all construction of sewer main and facilities shall comply with all of the rules, regulations and construction standards of the Grand Chute-Menasha West Sewerage Commission, where applicable and of the Neenah-Menasha Sewerage Commission where applicable. The rules and regulations applicable in areas served by those Commissions shall be on file with the Town Clerk and may be reviewed upon request at any time.
- (6) Municipalities shall report to the GC-MWSC and the NMSC on an annual basis, the total length and size of new sanitary sewers installed and existing sewers replaced, repaired or abandoned.

28.14 USE OF PUBLIC SEWERS REQUIRED

- (1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the EMC or in any area under the jurisdiction of said EMC, any human or animal excrement, garbage, or objectionable waste.
- (2) It shall be unlawful to discharge to any natural outlet within the EMC, or in any area under the jurisdiction of said EMC, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with all provisions of this Ordinance.
- (3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the storage or disposal of wastewater.
- (4) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the EMC and abutting on any road, 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 EMC, is hereby required at the owner (s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

28.15 BUILDING SEWERS AND CONNECTIONS

- (1) All building sewers, connections and appurtenances shall be designed and constructed in accordance with the latest edition and requirements of the Wisconsin Statutes and the Administrative Rules and Regulations of the State Department of Natural Resources.
- (2) No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any building sewer, public sewer or appurtenance thereof without first obtaining a written permit from the Plumbing Inspector.
- (3) There shall be two (2) classes of building sewer permits:
 - (a) For residential and commercial service, and
 - (b) For service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the EMC. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Plumbing Inspector.
- (4) All costs and expenses incidental to the installation, connection, and maintenance of the building sewer from the main, including the riser and connection thereto, to the building, shall be borne by the owner(s). The owner (s) shall indemnify the EMC from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (5) A separate and independent building sewer shall be provided for every building.
- (6) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Plumbing Inspector, to meet all requirements of this Ordinance and all regulations and rules applicable from the GC-MNSC and the NMSC.
- (7) 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 the building and plumbing code, EMC Standard specifications for sewer and water main construction, and other applicable rules and regulations of the EMC. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. ASTM means American Society for Testing Materials. WPCF means Water pollution Control Federation.
- (8) 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 wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Properties of lower elevations shall comply with all the requirements of Section 28.30.
- (9) Whenever a building having sewer service is demolished or removed, the building sewer and/or connection to the public sewer shall be properly abandoned and capped in accordance with instructions given by the Plumbing Inspector.
- (10) All building sewers serving manufacturing or industrial processing plants or service stations (gas and oil) which are connected to a public sewer system shall have installed therein a manhole for periodic sewage sampling purposes. The manhole shall be of a design approved by the Manager and Director of Public Works and shall be located on public right-of-way where possible. When manholes are installed on private property, they shall be readily accessible at all times.
- (11) No person (s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a sanitary sewer. All existing downspouts or groundwater drains, etc., connected directly or indirectly to a sanitary sewer shall be disconnected within-sixty days of the date of an official written notice from the appropriate official of the EMC. Exceptions to the above regulation may only be made by the EMC and with approval of the GC-MWSC and NMSC.
- (12) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, EMC specifications for sewer and water main construction, and other applicable rules and regulations of the EMC. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the ASTM and the WPCF Manual of Practice No. 9 shall apply. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Plumbing Inspector before installation.
- (13) The applicant for the building sewer permit shall notify the Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Plumbing Inspector or his designated representative.

- (14) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Roads, streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the EMC and the Town of Menasha.
- (15) Inspection of building sewers and connections within the EMC and Town right-of-way or in easements, when such construction shall be under contract with the EMC, shall be by the Director of Public Works, and the agent designated for the Town. In accordance with Sec. 28 .03 (3), work not under contract with the EMC shall be inspected by the Plumbing Inspector of the Town.

28.16 ON-SITE SEWERAGE DISPOSAL SYSTEMS LTD

- (1) When a public sanitary sewer is not available under the provisions of this Ordinance, the building shall be connected to a private sewerage disposal system complying with the provisions of the Wisconsin Statutes and the Administrative Rules and Regulations of the Wisconsin Department of Natural Resources.
- (2) The type, capacities, location, and layout of a private sewerage disposal system shall comply with all laws of the State of Wisconsin, Town of Menasha, Town of Menasha Utility District and County of Winnebago, Wisconsin including all zoning ordinances and other applicable laws and statutes governing the area in question.
- (3) At such time as a public sanitary sewer becomes available to a property served by a private sewerage disposal system, as provided in this Ordinance, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, holding tanks, and similar private sewerage disposal facilities shall be abandoned and removed or filled with suitable material.
- (4) Private sanitary sewer facilities serving more than one residence or one multiple dwelling unit, shall not be connected to or become part of the utility district system unless prior to the construction of said multi-unit system, approval has been obtained from the utility district. The utility district may refuse to connect to or service any privately installed system which service more than one residence or more than one multi-unit.
- (5) The owner shall operate and maintain the private sewerage disposal facilities in a sanitary manner at all times at no expense to the utility district.
- (6) No statement contained herein shall be construed to infer with any additional requirements that may be imposed by the health officer or building inspector of

the Town of Menasha or the Town of Menasha Utility District officials.

28.17 SEWERAGE CONTROL

- (1) No person (s) shall discharge or cause to be discharged any waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer. All such waters shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Director of Public Works and other State regulatory agencies. Unpolluted cooling water or process waters may be discharged, on approval of the Director of Public Works, to a storm sewer or natural outlet. If the Director of Public Works grants approval to discharge to a natural outlet, approval from other regulatory agencies may also be required.
- (2) No person (s) shall discharge or cause to be discharged any of the following described substances or wastes to any public sewers:
 - (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (b) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, cause the effluent from the waste treatment plant to violate effluent permit requirements, or create any hazard in the receiving water by the wastewater treatment plant.
 - (c) Any water or wastes having a pH lower than 5.5, higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the EMC and/or the wastewater works.
 - (d) 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 lift stations and wastewater facilities, such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and non-dissolving products such as disposable diapers, cups, containers, etc., either whole or ground by garbage grinders.

TOWN OF MENASHA CODE

(3) The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, lift stations, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, and will not otherwise endanger life, limb, public property, or constitute a nuisance. The Manager and Director of Public Works may set limitations lower than the limitations established in the regulations below if in their opinion such more severe limitations are necessary to meet the above objectives. In forming their opinion as to the acceptability, the Manager and Director of Public Works will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treat ability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be exceeded without approval of the Manager and Director of Public Works are as follows:

- (a) Wastewater or vapor having a temperature higher than 150° Fahrenheit (65° Celsius).
- (b) Any water or waste containing fats, wax, grease, or oils whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150°F) (0 and 65° C).
- (c) Wastewater containing floatable oils, fat, or grease.
- (d) Any garbage that has not been properly shredded as required by this Ordinance. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, 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 Manager for such materials.
- (f) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Manager and Director of Public Works.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager and Director of

Public Works in compliance with applicable state or federal regulations.

- (h) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 - (i) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (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.
- (4) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subparagraph (3) above, and which in the judgment of the Manager and Director of Public Works, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager or Director of Public Works may:
- (a) Reject the wastes,
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
 - (c) Require control over the quantities and rates of discharge, and/or
 - (d) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the regulations of the Town of Menasha Utility District.

When considering the above alternatives, the Manager and Director of Public Works shall give consideration to the economic impact of each alternative on the discharger. If the Manager and Director of Public Works permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager and Director of Public Works.

Proposed increase of discharges to the GC-MWSC by the EMC or to the NMSC by the EMC as the result of changes in existing commercial or industrial development shall be reported to the Manager prior to the date of change. No such discharges shall begin until the Manager has given approval of the quality and quantity of the proposed discharge.

TOWN OF MENASHA CODE

- (5) Grease, oil, and sand separators shall be provided when, in the opinion of the Manager or Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the Manager and Director of Public Works, and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators the owner (s) 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 Manager and Director of Public Works. Currently licensed wastes disposal firms must perform any removal and hauling of the collected materials not performed by the owner's personnel.
- (6) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner (s) at his expense.
- (7) When required by the Manager or Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure-together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Manager and Director of Public Works. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The structure shall be at all times in compliance with the State of Wisconsin Administrative Rules and Regulations issued by the Wisconsin Department of Natural Resources and shall be further be in compliance with the Wisconsin Pollution Discharge Elimination System (WPDES) permit issued to the GCMW and/or NMSC.
- (8) The Manager or Director of Public Works may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:
 - (a) Wastewater's discharge peak rate and volume over a specified time period.
 - (b) Analyses of wastewaters.
 - (c) Information on raw materials, processes, and products affecting wastewater volume and quality.
 - (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (e) A plot plan of sewers on the user's property showing sewer and pretreatment facility locations.
- (f) Details of wastewater pretreatment facilities.
- (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- (9) Only those wastewaters and pollutants which are authorized in this Ordinance shall be discharged into the sanitary wastewater facilities, providing also, however, that these wastewaters and pollutants must be discharged only into the sanitary wastewater facilities, and into no other place, system or area.
- (10) Incorporated by reference in this section are the conditions and provisions of the Rules and Regulations of the State of Wisconsin Department of Natural Resources and as further provided in the Wisconsin Pollution Discharge Elimination System (WPDES) permit issued or to the permit issued to the GCMW and/or NMSC. Authority is hereby given to EMC personnel to assist the Manager of both facilities as needed to comply with this permit.
- (11) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods". Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Manager or Director of Public Works.
- (12) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the EMC and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the EMC for treatment provided such acceptance is approved by the Manager.

28.18 PROTECTION FROM DAMAGE

- (1) No person (s) shall maliciously, willfully, or negligently break, damage, destroy, cover, uncover, deface, or tamper with any structure, appurtenance or equipment that is a part of the wastewater facilities.
- (2) Any wastewater facility or part thereof located in public property or in an easement shall not be disturbed, covered, have the surfacing or grade changed or in any other way be encroached upon, modified or destroyed without the approval of the Manager and Director of Public Works. No private or utility owned buildings or any other structures shall be constructed in any public property or easements for wastewater facilities, without the approval of the Manager and Director of Public Works.

28.19 POWERS AND AUTHORITY OF INSPECTORS

- (1) The Manager and other duly authorized employees of the GC-MWSC and the NMSC and the EMC, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing to determine whether compliance is being made in accordance with the provisions of this Ordinance.
- (2) The Manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system.
- (3) The Manager and other duly authorized employees of the CC-MWSC and the NMSC and the EMC, bearing proper credentials and identification, shall be permitted to enter all private properties through which the EMC holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (4) When a suspected violation of these rules and regulations or the rules and regulations of state agencies and federal agencies as adopted herein, is discovered, the Manager shall with all haste attempt to determine from which EMC the material has originated. When this has been determined, he shall immediately notify the Director of Public Works of the EMC. The Director of Public Works shall then work with the Manager to isolate the source of the material in question and eliminate, remove, contain, dissipate or other wise control the material to afford the greatest protection to life and property.

28.20 ABATEMENT PROCEDURES

- (1) Violation of any provision of these rules and regulations or any other rules or orders lawfully promulgated by the EMC or the GCMW or the NMSC is declared to be a public nuisance.
- (2) No action shall be taken under this ordinance to abate a public nuisance unless the Director of Public Works of the EMC shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and shall have satisfied himself or herself that a nuisance does in fact exist.
- (3) Summary Abatement. If the representative, above, of the EMC, determines that a public nuisance exists within the boundaries of the EMC and that there is great and immediate danger to the public health, safety,

peace, morals, or decency, the EMC may cause the same to be abated, and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

- (4) Abatement After Notice. If the EMC determines that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great an immediate danger to the public health, safety, peace, morals or decency, the EMC shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10)) days. If such nuisance is not removed within such ten (10) days, the proper official shall cause the nuisance to be removed as provided for above, Summary Abatement procedures.
- (5) Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the abatement of public nuisances by the EMC or its officials in accordance with the laws of the State of Wisconsin.
- (6) Court Order. Except when necessary under Summary Abatement, above, the EMC shall not use force to obtain access to private property to abate a public nuisance, but shall request permission to enter upon private property if such premises are occupied, and if such permission is denied, shall apply to any Court having jurisdiction for an Order assisting the abatement of the nuisance.
- (7) Cost of Abatement. In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance, the cost of abating a public nuisance by the EMC shall be collected as a debt from the owner, occupant, or person causing, permitting, or maintaining the nuisance and such costs shall be assessed against the real estate as a special charge.
- (8) 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, as shall upon conviction thereof, be subject to the general penalty provisions under this Ordinance.
- (9) Should a suspected violation of the regulations of this Ordinance be discovered by the Director of Public Works, his representative (s) or someone other than the Manager or his representative, the Manager shall be immediately notified and the procedure described above may be followed.

28.21 SEWER SERVICE CHARGE AND CONNECTION CHARGE

(1) The Commissioners of the Town of Menasha Utility District shall have the authority to establish and collect a sewer service charge, impact fees or sewer availability charge for the use of said public sanitary sewer and in addition thereto, establish and collect a connection charge for the right to connect said public sanitary sewer. The Commission shall further have the authority to establish and collect area assessments and/or impact fees and/or sewer availability charges for the fair and equitable apportionment of capital and other costs occurred by the Commission as a result of the operation of its sewer collection and treatment systems. See Section 28.31 CAPITAL COST, REPLACEMENT, CONNECTION FEES AND IMPACT FEES. In addition, the Commission shall establish regulations and procedures and retain such persons to superintend, administer, and give advice concerning said public sanitary sewer projects as said Commission shall deem advisable.

(2) Upon the establishment of a sewer service charge, the Commission shall establish rates for the following classes of users:

- (a) Residential:
 - Single family
 - Multiple family
- (b) Commercial:
 - (At least two classes, based on volume)
- (c) Industrial

Industrial classes shall include any surcharge for volume and strength or waste exceeding the standard set out in this Ordinance, or the exclusion of industrial wastes where determined by the Commission and in accordance with the regulations of the EMC, NMSC and GC-MWSC.

(3) Upon establishment of a sewer service charge, rates shall be established that will ensure this class of user will provide sufficient revenue to pay or cover for the cost of treating service to that class. Rates shall be so established so that sufficient revenue will be generated to pay for the construction, amortization of debt and operation and maintenance including depreciation of the sewer utility as a whole. Said costs shall include all costs passed through as an assessed charge pursuant to contracts with the GC-MWSC and NMSC.

28.22 SEWER/WATER COMBINED BILLS APPORTIONED

The Town of Menasha has adopted a policy of combing charges for sewer and water. In the event a customer of the Utility District fails to make payment in full upon a combined water and/or sewer bill, said failure to make payment in full shall provide for both the water and sewer bill to be considered delinquent. No portion of the payment

made can be considered specifically designated for either sewer service or water service, except by equal proportion.

28.23 INDUSTRIAL SURCHARGE FORMULA

(1) The surcharge for volume and strength provided to be assessed under this Ordinance shall be based upon a formula establishing costs per pound of the treatment of BOD and solids (suspended solids and phosphorus). Said formula shall be approved by the Commission and shall be kept on file with the Clerk of the utility district (see Appendix E, Ordinance No. 88-1). The formula as approved and/or amended thereafter, and currently applicable pursuant to the terms of this contract, is hereby adopted by reference as if included in said forth info herein.

28.24 PRIVATE SEWER SYSTEM; CONNECTION TO DISTRICT FACILITIES, LTD

(1) Private sanitary sewer facilities having more than one residence or one multiple family dwelling unit shall not be connected to or become part of the Utility District sanitary sewer system unless prior to the connection of said system approval is obtained from the Utility District Commission.

(2) The Commission may refuse the connection of private facilities serving more than one residential unit or more than one multiple dwelling unit.

(3) The Commission shall require that all private systems to be connected to the services of the district be inspected during the installation by an engineer designated by the Commission to provide such inspection. The cost for said inspection shall be the obligation of the owner of the private system. All inspection fees shall be paid prior to the connection to the district sewer facilities.

(4) This Ordinance shall regulate all systems henceforth where the actual pipe installation has not already been completed. Where private systems have already been installed, the Commission may require that the sanitary sewer pipe be inspected by televising or videotape at the cost of the applicant or owner. Upon acceptance of any private sewer facilities as defined above, the owner shall dedicate the said facilities to the district and in the case where the facilities are not located beneath a public roadway located within the Town of Menasha, an easement sufficient for the maintenance of the facilities shall be given to the district. *[Amended 4/26/10]*

28.25 MANDATORY CONNECTION TO SEWER AND WATER *[Amended 7/27/08]*

District Water Superintendent will have final determination on the measurement.

- (1) **Connection to sewer and water required.** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Utility District and abutting on any street, road, alley or right-of-way in which there is located a public sanitary sewer or public water main for public use shall be required to connect therewith, and to connect all bathtubs, cesspools, water closets, lavatories, sinks, water lines, and urinals upon lands or property within the Utility District to said sewer and/or water mains in accordance with the State Plumbing Code within 360 days after official notice that the said sewer or water main is available for use. Where, after 360 days have elapsed from the date of the official notice, said connections have not been made, the Commission shall cause the connections to be made and the cost thereof assessed as a special tax against the land and/or property and the amount thereof to be levied and collected in the same manner as other taxes.
- (a) All new construction must be connected to or with the public sewer and water prior to its use or occupancy. *[Amended 4/26/10]*
 - (b) The Utility District Commission may by unanimous vote extend the time for connection hereunder or grant temporary relief where strict enforcement of this Ordinance would work an unnecessary hardship on persons subject to the regulations herein.
 - (c) The mandatory hookup requirements herein apply to “abutting” property that is defined as meaning that the public sewer or water is within 100 feet of the property line.
 - (d) In the event property is developed causing sewer and/or water main extensions to abut property upon which there is located an existing structure, the property developer will be required to install the extensions at his/her own expense. The owners of existing structures affected by the extension will be required to connect to the sewer and/or water mains within the prescribed 360 days from the date of notification if their property requires connection to services as specified by this ordinance.
 - (e) In the event that the house or building used for human occupancy on the property sits greater than 200 feet from the property line where the public water main is located, the house or building will not be required to connect to the public sanitary sewer and water. The distance between the house property line will be measured in a straight line from either the house or the private well to the closest point on the property line where the water main is located. The Utility

- (2) **Deferral to required connections to public sanitary sewer and water.** The owners of all houses, buildings, or properties used for human occupancy situated within the Utility District meeting the requirements of mandatory connection to public sanitary sewer and water as provided in section 28.25 (1) may be deferred from mandatory connection, upon written application by the owner to the Utility District satisfying the Utility District that **all** of the following conditions are met and signing and recording the agreement as described below:
- (a) The house, building, or property used for human occupancy has an existing private well and septic system and there is no document recorded with the Register of Deeds noting that connection is required to a public sanitary sewer or water system when it becomes available.
 - (b) The property owner executes an agreement with the Utility District in which the property owner agrees to the conditions for deferral of mandatory hookup to sewer and water as set forth in Chapter 28.25 (2). The agreement shall be recorded with the Register of Deeds. The property owner will be responsible for all recording fees and testing fees necessary to obtain and maintain the deferral of mandatory connection.
 - (c) The private well on the property is approved and verified by a professional certified to inspect and review the operations of private wells. The private well shall be acceptable to the Utility District, functioning in a safe and proper manner, and produce water safe for human consumption.
 - (d) The septic system on the property is approved and verified by a professional certified to inspect and review the operations of septic systems. The septic system shall be acceptable to the Utility District and functioning in a safe and proper manner.
 - (e) The private well on the property is tested every three years as required by the Utility District and the test results verify that the private well and water meets all required well and water standards as mandated by the Utility District.
 - (f) The septic system on the property is tested every three years as required by the Utility District and the test results verify that the septic system meets all required septic system standards as mandated by the Utility District.
 - (g) The wells serving the house or building used for human occupancy passes a comprehensive private well water quality test no earlier than ninety (90), and no later than five (5), days prior to any sale or other land transfer. The standards

for such comprehensive test shall be established by the Utility District Water Superintendent and may exceed DNR minimum standards. Failure of any portion of the test will require connection to public water and sewer within ninety (90) days of such event.

- (h) The house or building used for human occupancy passes a septic system test no earlier than (90) and no later than five (5), days prior to any sale or other land transfer. The standards for such test shall be established by the Utility District Wastewater Superintendent. Failure of any portion of the test will require connection to public water and sewer within ninety (90) days of such event.
- (3) **Termination of Deferral.** Any deferral granted under (2) above shall terminate on the earlier of the following and connection to sewer and/or water mains as available is required within 90 days:
 - (a) Any of the conditions in (2) are no longer satisfied.
 - (b) The property subject to deferral is subdivided by either a certified survey map, subdivision plat, meets and bounds, or condominium plat.
 - (c) The property subject to deferral requires additional water or sewer capacity resulting from either structural modifications of existing buildings or the addition of one or more additional buildings.
- (4) Special assessments will apply based on the special assessment or recapture policy applicable to the property in the Utility District at the time such assessments are imposed. Special assessments for sanitary sewer or water facilities are not subject to deferral under § 28.25(2) even if all the requirements are met to defer hookup.

28.26 PLACEMENT OF MANHOLES ON SEWER LINES

Manhole Placement Restricted. No manhole shall be located or placed without prior approval of the Utility District Commission and the said placement of manholes servicing sewer line shall comply with the following regulations:

- (a) Any person, party, corporation, firm, or individual installing any sanitary sewer installation in the Town of Menasha, shall be required to locate access to manholes for sanitary sewer line at a location on or within 8 feet of the center line of the right-of-way, or the centerline of the paved portion of roadway of any street or town in the Town of Menasha.

- (b) That in the event there is located at said installation a paved roadway, the distance of no greater than 8 feet either side of said paved roadway shall mark the maximum limits for installation of manhole access. In the event the roadway is not paved and is of a gravel or other loose construction, and has no permanent hard surface, then the location of the manhole shall be within 8 feet of the center of the right-of-way. In areas where a cul-de-sac is installed as and for roadway usage, the limitation of installation of manholes shall not extend beyond 20 feet from the center of the cul-de-sac or turnaround.
- (c) It is the intent of these regulations that manholes not be located off the roadway in ditch areas alongside the roadway and it is the intent in the regulation in cases where there may be conflicts of problems arising from its interpretation that the Commission shall attempt to keep all manhole construction out of areas which are designated as ditch lines or designated to carry surface water flow.

28.27 PERMIT REQUIRED FOR MAINTENANCE AND/OR REPAIR WORK

(1) Permit And Inspection Required During Repairs.

- (a) No sewer main, sewer service lateral, water main, water service lateral, or other appurtenance shall be exposed, uncovered, or tampered with unless a permit has first been applied for and obtained from the Building Inspections Office. Should a sanitary sewer main, sanitary lateral, or sanitary manhole need to be core-drilled or otherwise tapped to service a property, then an associated fee shall be applied. Associated fees are incorporated in the Appendix B Fee Schedule, reference this code section, as approved by the Utility District. Permit, inspection, and/or sewer tap fees shall be paid before the issuance of the permit. A Utility District inspector must be present at the time said such sewer main, sewer service lateral or other appurtenance is exposed or uncovered. *[Amended 12/13/10]*
- (b) Before the commencement of any excavation work, private or by any public utility or municipality, for the repair or maintenance of any sewer service laterals located in the street or public right-of-way, which lie within the boundaries of the Utility District of the Town of Menasha, the Manager or Director of Public Works shall be notified 24 hours prior to the actual excavation which excavation causes the exposure of any sewer main or sewer service lateral.
- (c) No sewer main, sewer service lateral, or other appurtenances shall be exposed, uncovered, or tampered with unless an authorized

representative of the Utility District is present at the time said such sewer main, sewer service lateral or other appurtenance is exposed or uncovered.

- (d) Any modifications, changes or alterations to any sewer main or sewer service lateral shall be required to be inspected by the Manager or Director of Public Works before any pipes are covered or excavation filled. Failure to comply with this section may be subject to an order of the Manager or Director of Public Works to re-open an excavation or exposure of any sewer service lateral or main for the purpose of obtaining the appropriate inspection.

28.28 AIR TESTING OF SEWER MAINS

Testing Required. The Utility District requires that all sewer main installed in the Town of Menasha Utility District shall be air tested in accordance with the “specifications governing air testing of sewer and water mains on lines” on file in the Utility District offices. It shall be required that any person, party, corporation, firm, or individual installing any sanitary sewer installation in the Town of Menasha Utility District shall comply with the aforementioned specification.

28.29 MULTIPLE FAMILY UNITS LATERAL SIZE

Sewer laterals to be installed to any dwelling unit within the Utility District with three or more dwelling units shall be required to install a minimum 6” lateral to provide sufficient sewer capacity.

28.30 SEWER SERVICE TO PROPERTIES OF LOW ELEVATION

Properties of low elevation during periods of high groundwater or when water flows are excessive in sanitary sewer mains are required for the property owner’s protection and for the protection of the Utility to comply as follows:

- (a) In all construction, the property owner must supply a force pump system to any new structure that has an elevation differential of less than three feet (3’) between the lowest discharge point in said building and the top of the sewer main. The installation of all force pump systems shall be in accordance with this Ordinance and shall be approved by the Utility District prior to installation and the installation of the same shall be inspected and reviewed by the Utility District and its inspectors.
- (b) No plumbing fixtures shall be connected to the sanitary sewer lateral should said fixture discharge outlet be less than three feet (3’) above

the top elevation of the sanitary sewer to which said lateral is connected.

- (c) Should any plumbing fixture fail to make the three feet (3’) minimum requirements described above, then such fixture shall be connected to the sanitary sewer lateral through a suitable lift pump accompanied by appropriate check valve to prevent any wastewater backup through the lift pump.
- (d) The allowance for installations as provided by this section assumes no responsibility on the part of the Utility District for abutting upon the premises that may be related to the connection to the sanitary sewer facilities.
- (e) Sewer laterals connecting the sewer main to the discharge point of the building shall have a minimum of one-quarter inch (1/4”) per foot drop in elevation from the building to the main.

28.31 CAPITAL COST, REPLACEMENT, CONNECTION FEES AND IMPACT FEES
[Amended 4/26/10]

(1) At the time of the recodification of the ordinances of the Utility District of the Town of Menasha, the Utility District had in place the following fees:

- a) Interceptor Impact Fees – Order No. 95–01
(Added to this chapter 4/7/08)

This order was created pursuant to the authority vested in Town of Menasha Sanitary District No. 4 pursuant to Wisconsin Statutes 60.77 (5) (c) and (e) and other applicable Wisconsin law.

It is hereby ordered by the Board of Commissioners, Town of Menasha Sanitary District No. 4, as follows:

1. Purpose. That new development located within the property legally described on Exhibit “A” attached hereto (*See Appendix D*) and incorporated herein by reference (which property shall be referred to herein as the “Service Area”) will require new or expanded public facilities for interceptor lines.
2. Cost Determination. The capital costs estimated for purposes of this Order have been determined by Town of Menasha Sanitary District No. 4 in consultation with their consulting engineers.
3. Charges. Charges will be imposed against the properties included in the Service Area legally described on Exhibit “A”, on a per acre basis, according to the following schedule:

- a) The fee per acre shall be set forth in the Appendix B Fee Schedule, reference this code section. Partial acres will be prorated based upon the percentage of a total acre determined by the ratio that the lot size bears in square footage to the square footage of a total acre, consisting of 43,560 square feet.
- b) Residential and other properties, if any, having lot sizes of less than one-third of an acre will be subject to a minimum charge set forth in the Appendix B Fee Schedule, reference this code section. Any lot larger than 1/3 acre (14,520 square feet) will be charged at a rate per square foot set forth in the Appendix B Fee Schedule, reference this code section. Property owners will be responsible to provide site plans with square footage or acreage of the project area.

There will be no exclusions of acreage for roadways in the calculation of acreage.

4. Collection. The due date for payment and collection of the impact fees imposed by this ORDER shall be as follows: *[Amended 4/7/08]*

- a) For parcels on which existing residential homes and/or agricultural buildings are located, for which construction was completed on or before March 1, 2008, the due date for payment of the charges imposed by this Order will be deferred until the earlier that:
 - (i) a sewer inspection permit is issued, a meter installation request occurs, or a request for or actual service hookup occurs, for additional residential, agricultural, commercial or industrial buildings on the affected parcel, or
 - (ii) a development agreement is entered into with the developer or owner with the Town under Town Ordinances that includes a requirement for water and/or sewer services for the property.
- b) Residential homes and agricultural buildings which were completed prior to March 1, 2008 may hookup to sewer and/or water without initiating the due date for payment of the impact fees, providing neither A. (i) and (ii) have occurred.
- c) For vacant parcels, and parcels on which residential, agricultural, commercial, or industrial buildings are completed after March 1, 2008, and for parcels with commercial or industrial buildings in existence prior to March 1, 2008, payment of the charges imposed by this Order will be due on the earlier that:
 - (i) a sewer inspection permit is issued, a meter installation request, a request for or actual service hookup, or
 - (ii) a development agreement is entered into with the developer or owner with the Town under Town Ordinances that includes a requirement for water and/or sewer services for the property.
- d) The amendments to this Order for purposes of due dates and collection have prospective application only and are not retroactively effective for parcels of property for which impact fee payments have been previously made, or previously become due, under the terms of the original Order.

5. Severability. If any portion of this Order is rendered invalid or unenforceable for any reason the remaining portions of this Order shall continue in full force and effect.

- a) Service Availability Charge (SAC) – Ordinance No. 90 – 1 (as further amended by Ordinance No. 90 – 2, Ordinance No. 91 – 1, and Ordinance No. 93 – 1). (See Appendix D) Fees may be found in the Appendix B Fee Schedule, reference this code section.
 - b) The above impact fees and service availability charges and their methods of calculation on file with the Utility District Clerk and available as a public record for inspection thereof.
 - c) That the existing fees and charges as established by the Ordinances designated in Section a) are hereby continued without modification or change and any modification or change thereof shall be made pursuant to the terms of this section.
- (2) Necessary charges for the continued operation of the wastewater treatment plant and sanitary sewers connecting thereto shall be established by the Utility District with recommendation of the Utility District Engineers. The implementation of any fee or charge that is considered to be an impact fee, which is not in existence as of the date of adoption of these regulations, shall require the Utility District to follow the procedures as required by the Wisconsin Statutes for the adoption and imposition of said fees.
- (3) The Clerk of the Utility District shall keep a record on file, open to public inspection, that should accurately reflect the charges or fees, the date of the adoption by the Utility District Commission, a uniform method and manner by which the fees shall be calculated and the direction of the Utility District Commission establishing when charges or fees are required to be paid.
- (4) That the Town of Menasha Utility District Commission has in place contracts with the Grand Chute-Menasha West Sewage Commission and the Neenah-Menasha Sewage Commission which contracts requires contributions to the regional treatment facility for capital cost and replacement. The calculations of said charges by each of the regional treatment facilities is based upon calculations of volumes of sewage treated, treatment plant capacity consideration, previous investment by contributing municipalities and expectation of replacement/modification and renovation of the treatment facilities. These charges are imposed upon customers of the Utility in a fair and equitable manner and are charges assessed beyond the control and authority of the Utility District Commission. Any requirements to meet regulations relative to the

imposition of these charges shall be in compliance with the ordinances of the Town of Menasha Utility District Commission, the contract between the Commission and regional facility and the Wisconsin Statutes regulating the imposition and collection of fees and charges.

28.32 RECAPTURE POLICY [Created 6/23/03]

- (1) **Developer.** The developer agrees to construct and pay the full cost of the extension of utility services (water and/or sewer) in accordance with all specifications set forth by the Utility and its regulatory agencies. The cost shall include laterals within the right of way or municipal easement for each property upon which a special assessment is levied. The developer will then be reimbursed for allowable construction expenses on a lineal foot basis at the time property owners connect to the utility service main. The property owners connecting shall also reimburse for the expense of the lateral installation assessed to that property.

Upon completion of the construction of the utility service and formal acceptance by the Town of Menasha Utility District Commission, the ownership, operation, control, maintenance and repairs shall be the exclusive responsibility and domain of Town of Menasha Utility District.

- (2) **Special Assessments.** The Utility District shall levy special assessments against abutting property pursuant to the statutory special assessment procedures. The Utility District shall then defer the assessment for a period of ten (10) years or until the property connects to the service, whichever is less. At such time, up to a maximum of ten (10) years from the date the recapture agreement is signed (THE RECAPTURE PERIOD), that any abutting property owner elects to connect to the utility service, that the property owner shall pay an amount not to exceed the assessment recorded against the abutting property, and interest if the installment method is elected as provided here and after. Any recapture funds not collected within a ten-year period from the date the Utility District accepts possession of the lines, and the lines are ready for use, will be forfeited by the developer.

All payments will be collected by the Town of Menasha on behalf of the developer and the principal will be paid to the developer upon receipt of payment. The assessment payment shall be made according to one of the following:

- (a) For industrial and commercial connections, the full amount shall be paid to the Town of Menasha Treasurer prior to connection.
- (b) For residential connections the payment may be made in full to the Town of Menasha Treasurer or in equal installments on the annual real estate property tax bill, assessed over the remaining ten-

year recapture period commencing the year connection occurred. The installment method will have a 1 ½% interest charge for administrative services. *Example:* If connection to the utility main occurs in the fourth (4th) year, the property owner would be able to use the installment method for 6 years, the remaining period from the original ten years.

- (3) **Connection.** No permits for connection will be issued prior to the collection in full of the appropriate service availability fees and impact fees as set forth by the Utility District at the time the connection is made.

Town of Menasha will notify the developer when a property owner connects to the utility service. This notice shall include the name and address of the property owner, a description of the parcel to which connection is to be made, and the contemplated date of connection and method of payment of the assessed amount.

Utility District shall not allow connections to the utility service until the assessment is paid in full by commercial and industrial customers or a payment option has been selected by residential customers. Ten years from the date of the recapture agreement, no assessment is due to the developer and connection to the utility service may occur without payment of the assessment.

Neither the Utility District nor the developer shall be obligated to incur any portion of the costs associated with connecting property to the utility service mains or laterals. However, the developer shall be responsible for any and all costs related to the connection of property owned by the developer and any lateral costs included in special assessments which are not recaptured under this policy.

III. PUBLIC WATER SUPPLY UTILITY REGULATIONS

28.40 INTENT OF CODE OF REGULATIONS.

The Town of Menasha Utility District is the owner and operator of a public water utility approved and authorized by the State of Wisconsin Public Service Commission pursuant to WI Stats. 196 and the Wisconsin Administrative Code PSC185. The regulations adopted in this chapter are intended to govern and provide a process for potential public water supply users and to enable the Utility District to protect and safeguard potable water provided through the Utility District water mains from wells maintained and operated by the District. The operation, design and construction shall be consistent with and in compliance with NR811 specifications and requirements for the operation and design of community water systems.

In accordance with the above-stated purpose, all water main installation within the Town of Menasha Utility District must comply with the State of Wisconsin Plumbing Code as specified within the Wisconsin Administrative Code and all the building regulations of the Town of Menasha adopting and enforcing Town of Menasha and State Plumbing Code Regulations.

The Town of Menasha Utility District has replaced the Town of Menasha Sanitary District established by WI Stats. 60.70, and has assumed the powers, duties, contracts, assets and liabilities of the Sanitary District. The regulations contained herein are made in accordance with and as empowered by WI Stat. 60.70 – 60.80 and WI Stat. 66.0827 governing utility districts.

28.41 INSTALLATION AND CONNECTION TO PUBLIC WATER SUPPLY

- (1) **Permit Required.** No person shall make any connection of any private water service to the water facilities of the Town of Menasha Utility District without first obtaining a permit for said connection. No person shall uncover or expose any water service lateral or water main or other appurtenances thereto, whether on private or public property, without first obtaining an inspection permit from the District.

The owner of residential, industrial or commercial real estate which is located within the Utility District service area wishing to obtain water service by connection to a Utility District water main shall indicate such intention to the District in writing by completing and filing with the District forms and questionnaires for that purpose as prepared by the District. The applicant shall provide fully all information required by the form that shall be signed by the owner of the property that is intended to be served by the proposed connection. The District and/or designated representative shall review each application and either grant or refuse permission to connect as the best interest of the Utility District may dictate. An application for a permit shall be deemed granted only when a written connection permit is issued by the District signed by an authorized representative of the District. No connection to a District water main shall be made except pursuant to the terms and conditions of the permit and the district's ordinances.

- (2) **Installation Requirements.** Upon the issuance of a permit, the applicant shall be allowed the hook up or installation of a connection to water service as designated on the permit. The application shall contain information and notify the District of the intended time and place of the installation of the laterals or water connection. The permit holder shall give advance notice to the district at the time of installation and no water lateral installation shall be completed and covered without being inspected. At the time the connection is completed, the District's designated inspector shall inspect the connection and

the lateral up to the building being connected. The Town of Menasha Utility District will establish hookup and inspection fees related to these installation requirements. The inspection and hookup fees shall be paid at the time of the application for the connection to the District's facilities. A fee schedule shall be kept on file with the Clerk of the District and may be revised from time to time by the Utility District Commission as necessary to cover costs and expenses.

- (3) **Plumbing License Required.** Any connection to the District water main shall be made only by a licensed plumber, in full compliance with the connection permit and all applicable laws and regulations and shall be subject to the District's inspection as provided herein.
- (4) **Final Inspection.** The permit shall contain a "final approval" signature line that will be required to be signed before covering the water lateral installation. In the event that no inspection is made and the "final approval" is not obtained, the District shall have the right to disconnect any lateral not so inspected.
- (5) **Denial of Applications.** If an application is denied, the Commission shall specify in writing the reasons for the denial. After properly taking any corrective action which the reasons stated in the Commission's denial may suggest, an applicant may renew his application. The Commission may grant permission to connect subject to conditions that the applicant shall fulfill before the connection is made to which the applicant and the real property served by the proposed connection shall remain subject should the condition be continuing. All conditions shall be specified in the connection permit.
- (6) **Well Head Protection.** Any applications for permission to connect real estate which is located within 1,200 feet of a Utility District well head and/or upon which property any hazardous substances are presently stored or contained, or for which plans for storage or containment exists at the time of the application for permission to connect, shall disclose fully the precise nature, extent and manner of storage of the hazardous materials which are, or will be, stored or contained upon the property. Regarding such an application, the Commission may grant permission to connect to a water main subject to a provision that should be District installing new well in the future that the property owner than shall remove any hazardous materials with containers upon his property whatever distance from the new well head is then required under the applicable State and Federal laws and regulations necessary to protect the installation of the new well head.

28.42 DESIGN AND CONSTRUCTION OF WATER MAIN AND ATTACHMENTS THERETO

- (1) The Utility District adopts and incorporates by reference to these ordinances the Standard Specifications for Sanitary Sewer and Water Main construction prepared by the Utility District engineers as of October, 1999 and approved by the Wisconsin Department of Natural Resources (DNR) Approval #98-0466.
- (2) The Utility District shall from time to time make modifications and revisions to the Standard Specifications and any revision or modification approved by the Utility Commission and the Wisconsin Department of Natural Resources is hereby incorporated and made part of this ordinance upon final Wisconsin Department of Natural Resources approval.
- (3) The Utility District shall keep on file at its offices with the Clerk of the Utility a current and complete copy of the Standard Specifications. The Standard Specifications shall be followed for any public or private water main, water lateral or connection meter or other attachment or appurtenance thereto. *[Amended 4/26/10]*
- (4) In addition to the requirements of the Standard Specifications, the Utility District has adopted Water Meter Installation and Specification requirements that have been adopted and filed with the Clerk of the Utility District. The regulations contained therein are hereby be incorporated by reference into this ordinance as if set forth in full herein. The Utility District shall, from time to time, make revisions and modifications to the water meter specifications that upon adoption by the Commission are deemed as having been incorporated into this ordinance as revisions thereto.

28.43 METER SPECIFICATION REQUIREMENTS

Water meter installation and specification requirements adopted and on file with the District.

28.44 TESTING WATER MAINS REQUIRED

It is hereby required that all water mains installed in the Town of Menasha shall be air tested in accordance with "specifications governing air testing of sewer and water mains on lines" on file in the Utility District offices. It shall be required by any person, party, corporation, firm or individual installing any water main in the Town of Menasha to comply with the aforementioned specification.

28.45 NOTIFICATION OF DISTRICT PRIOR TO MAINTENANCE OR REPAIR WORK

- (1) Before the commencement of any excavation work by any private or public utility or municipality for the repair and maintenance of any water main or water

service laterals located in the street or public right-of-way, which lie within the boundaries of the District, said entity shall be required to notify the District 24 hours prior to the actual excavation which excavation causes the exposure of any water main or water service lateral.

- (2) No water main or service lateral or other appurtenance, whether upon public property or right of way or private property will be exposed, uncovered or tampered with unless an inspection permit has first been obtained from the District and an authorized representative of the Utility District of the Town of Menasha is present at the time such water service lateral or water main or other appurtenances exposed and uncovered.

28.46 PRIVATE WATER FACILITIES / MULTIPLE CONNECTIONS

- (1) Private water facilities serving more than one residence or one multiple family dwelling unit shall not be connected to or become a part of the District water system unless prior to the construction of the said system of water approval is obtained from the District.
- (2) The Commission may refuse the connection of private facilities serving more than one residence or more than one multiple dwelling unit.
- (3) The Commission shall require that all private systems connected to the services of the District be inspected during installation by an inspector designated by the Commission. The cost of said inspection shall be the obligation of the owner of the private system. All inspection fees shall be paid prior to connection to the District water facilities.
- (4) Upon acceptance of any private water facilities as defined above, the owner shall dedicate the facilities to the District and in the case where the facilities are not located beneath a public roadway, the roadway shall be designated to the Town or an easement sufficient for the maintenance of the facilities shall be given to the District.

28.47 PROTECTION FROM CONTAMINATION DUE TO BACKFLOW OF CONTAMINANTS

- (1) This section requires compliance with, Wisconsin Administrative Code NR111 and H62 and the Wisconsin Department of Natural Resources Health and Services Regulations relating to backflow of contaminants through water systems.
- (2) A “cross connection” shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains a potable water supply from the Utility District water system and the other from a private source containing water

from wells or other source of unknown or questionable safety, or stream, gases or chemicals whereby upon loss of pressure or any pressure condition where there may be a flow from one system or source to the other.

- (3) No person or corporation shall establish or permit to be established or maintain or permit to be maintained, any cross connection. No interconnection shall be established whereby potable water from a private auxiliary or emergency water supply other than the regular public water supply of the Town of Menasha Utility District may enter the supply or distribution system of said municipality, 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 District and by the Wisconsin Department of Natural Resources in accordance with Sec. NR11.25(3) Wisconsin Administrative Code.

It shall be the duty of the Utility District to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Utility District Commission and as approved by the Wisconsin Department of Natural Resources.

Upon presentation of credentials, the representative of the Utility District Water Department 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 Town of Menasha Utility District for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.122, Wisconsin Statutes. On request the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property.

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

THAT if it is determined by the Utility District, 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 Secretary of the Utility District, Town of Menasha and delivered to the customer's premises, service shall be immediately discontinued. The customer shall have

an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

28.48 USE OF PUBLIC WATER FACILITY OF TOWN OF MENASHA UTILITY DISTRICT REQUIRED

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Utility District and abutting on any street, road, alley or right-of-way in which there is located public water mains ready for use shall be required to connect therewith to water mains in a sanitary manner in accordance with the State Plumbing Code within 360 days after official notice that said water is available for use. Where, after 360 days have elapsed from the date of official notice, said connections have not been made, the Commission shall cause such connections to be made and the cost thereof assessed as a special tax against said land or property and the amount, thereof to be levied and collected in the same manner as other taxes.

- (a) All new construction must be connected to public water prior to use or occupancy.
- (b) The Utility District commission may by unanimous vote extend the time for connection hereunder or may grant temporary relief where strict enforcement of this ordinance would work unnecessary hardship upon persons subject to the regulations herein.
- (c) The mandatory hookup requirements herein apply to "abutting" property which is defined as meaning that the public water lines are within one hundred (100) feet of the property line.

Failure to connect in accordance with the requirements of this section that causes the District to take enforcement action shall cause a further assessment related to the enforcement proceedings in an amount set forth in Appendix C Fines and Penalties, reference this code section, in addition to the actual cost of connection and hookups required. This sum may be collected in the same manner as other costs assessed as required in the installation, inspection and connection process. *[Amended 11/28/05]*

28.49 UNAUTHORIZED USE OF WATER; DAMAGE OR TAMPERING WITH WATER SUPPLY

- (1) It shall be unlawful for any person to do any of the following without prior approval of the Utility District Commission or the Superintendent of the Water Utility and in addition thereto having obtained all required permits pursuant to this ordinance:

- (a) To allow any contractor, mason, plumber, or any unauthorized person to take water from such water users premises; to operate any valve or other connection or shutoff device connected with the street or supply mains, or to open or take water from any hydrant connected with the distribution system. Water may be taken from a hydrant only to extinguish a fire.
- (b) To disconnect, tamper with, bypass or change or modify any meter placed on any line connected to the distribution system. Meters shall be protected by the consumer from damage, but shall not be enclosed in such a manner as to prevent reasonable access or observation for reading inspection and servicing.
- (c) To damage, change, alter, modify, bypass or tamper with any stop box upon his premises or to obstruct the use and access of said stop box by covering with dirt or placing other obstructions.
- (d) To tap into, use, alter, change, modify or tamper with any waterline directly connected to the distribution system whether located on private or public land so as to interfere with or cause any change in any water service to any business or residence or to cause the water not to pass through a meter or meters on said property.
- (e) To turn water service on or off to any building, business or residence whether metered or un-metered. This Section shall not prevent licensed plumbers from testing their work, but following testing the water service must be left off until all required inspections have been completed or the plumber shall be subject to the penalties herein.
- (f) To fail to notify the District of a defective or non-working meter when the defects or, failure is known to the person owning the premises or using the water.
- (g) To fail to notify the District of leaks or damage upon the premises causing a loss of water to the system whether said leak or damage is the result of negligence, carelessness or whether said leaks or damage was created intentionally.

- (2) During reasonable hours, any officer or authorized employee of the District shall have the right of access to the premises supplied with water service, for the purpose of inspection or for any enforcement of the District's rules and regulations.
- (3) Upon finding by reasonable evidence that any consumer is obtaining or allowing others to obtain from him any supply of water in whole or part by means of devices or methods used to stop or interfere with the proper metering of the water service

(surreptitious use of water PSC185.37), the District may upon twenty-four (24) hours notice, disconnect the said service, unless repaired, and further has the right to estimate and present for payment immediately the bill or unmetered water service. Disconnection may be had upon failure to pay said bill within twenty-four (24) hours of presentation to the consumer. When disconnected under this Section, the District shall reconnect on the following conditions:

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

28.50 ABANDONMENT OF WELLS REQUIRED

(1) **Purpose.** The Wisconsin Administrative Code Sec. NR811.10 directs suppliers of water for municipal water systems to require the abandonment of all unused, unsafe or non-compliant wells located on premises served by a public water system by local ordinance or Water Utility rule to prevent such wells as acting as channels for contamination or vertical movement of water and to eliminate all existing cross connections and prevent all further cross connections. These sections are enacted for the purpose of preventing contamination of groundwater and to protect public health safety and welfare by assuring that the unused, unsafe or non-compliant well or wells that may serve as conduits for contamination are eliminated. This ordinance applies to all wells located upon premises served by the Town of Menasha Utility District Municipal Water System.

(2) **Definitions.**

Municipal Water System: means a system for the provision to the public of piped water for human consumption when such system has at least fifteen (15) service connections or regularly serves at least twenty-five (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)(12)1., Wisconsin Statutes, or a privately owned water utility serving any of the above.

Non-complying: means a well or pump installation which does not comply with the provision of Chapter 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.

Non-complying: means the pump and related equipment used for withdrawing water from a well including the discharge piping, the underground connections, pitless adapters, pressure tanks, pits, sampling faucets and well seals or caps.

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

Unused: means a well or pump installation which is not in use or does not have a functional pumping system.

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.

Well Abandonment: means the filling and sealing of a well according to the provisions of Chapters NR 811 and 812, Wisconsin Administrative Code.

(3) **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 Chapters NR 811 and 812 Wisconsin Administrative Code, no later than one (1) year from the date of connection to the Municipal Water System, which ever occurs last, unless the owner of the premises shall obtain a Well Operation Permit from the Town of Menasha, Utility District.

(4) **Well Operation Permit.** The Town of Menasha Utility District may grant to a private well owner the right to operate a well for a period not to exceed five (5) years, and five (5) year renewals thereafter providing the conditions of this section are met. The Town of Menasha Utility District, or its Agents, shall conduct inspections and have water quality tests conducted at the applicant's expense to obtain information necessary for consideration of a Well Operation Permit Application, or renewal thereof. Permit Applications and renewals shall be made on forms provided by The Town of Menasha Utility District.

The following conditions must be met for issuance or renewal of a Well Operation Permit:

- (1) The well and pump installation must meet or is upgraded to meet the requirements of Chapter NR 112, Wisconsin Administrative Code; and,
- (2) The well and pump installation have a history of producing bacteriologically safe water as

TOWN OF MENASHA CODE

evidenced by at least one (1) safe sample. The well is also required to be tested for arsenic and must be under the maximum contaminant level of ten (10) parts per million. Samples shall be tested by a Laboratory certified by the State of Wisconsin for examination of Drinking Water. *[Amended 4/26/10]*

- (3) It shall be presumed that a well and pump installation with no cross-connections to any serviced building(s), shall be justified for such uses as filling swimming pools, lawn care and maintenance, and for washing motorized equipment. It shall be unlawful to divert any amount of this water to the Utility Sewer System. The Utility District shall have the right to obtain laboratory results directly from the testing laboratory when necessary to obtain the results of tests to allow for permit issuance. Costs paid by the Utility shall be billed to the permittee and upon failure of payment shall be placed upon the next annual property tax bill as a special assessment or special charge.

(5) **Abandonment Procedures.**

- (a) All wells abandoned under the jurisdiction of this Ordinance or rule shall be abandoned according to the procedures and methods of Chapter 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 Town of Menasha Utility District at least forty eight (48) hours prior to commencement of any well abandonment activities. The abandonment of the well may be observed by an agent/ representative of the Town of Menasha Utility District.
- (c) The person or persons abandoning the well shall be either a licensed well driller, or pump installer, licensed by the State of Wisconsin. *[Amended 4/26/10]*
- (d) An abandonment report form, supplied by the State of Wisconsin, Department of Natural Resources, titled Well Abandonment/ Borehole Abandonment, form number 3300-5B, Revision 889, or future revisions thereof shall be submitted by the well owner to the Town of Menasha Utility District and The State of Wisconsin, Department of Natural Resources within ten (10) working days of the completion of the well abandonment.
- (e) It is not the intent of this ordinance to require automatically the abandonment of used, safe and complying wells located within the Town of Menasha Utility District. Only unused or

non-complying private wells, located upon premises served by the Town of Menasha Utility District, shall be required to be abandoned.

- (f) Commencing with the year 1992, the Town of Menasha Utility District shall require of the owner of premises upon which a private well is located, and which premises are served by a Municipal Water Supply, that said owner of the premises provide to the Town of Menasha Utility District a "Safe Water Test Report" at intervals as required by this ordinance.
- (g) Failure to comply with any of the provisions of this section shall, in addition to the penalties at Section 28.60 of this code, entitle the Utility to obtain an order directing the abandonment of the well in accordance with the laws of the State of Wisconsin and the ordinances of the Utility, and your failure to comply with said court order the Utility shall cause the well abandonment to be performed and all costs of said abandonment shall be assessed as a special charge or assessment upon the tax role for said property.

28.51 LAWN SPRINKLING REGULATED

Sprinkling Regulations. No person, owner, or occupant of any lot or premises, served by the Town of Menasha Utility District Water Works, shall suffer, permit, or allow the sprinkling of a lawn, garden, or premises with water from the Water Works servicing such lot or premises except as follows:

- (1) The regulation of sprinkling as designated in this Ordinance shall be effective only upon the proclamation of the town of Menasha Utility District and the publication of said restrictions in a newspaper of general circulation within the Township.
- (2) When the said Town of Menasha Utility District Commission declares the sprinkling regulations to be in effect, the regulations shall control the use of water for purposes specified above at the following times, hours and places:
- (3) Persons having even numbered houses and building numbers shall be allowed to use water as provided herein on even numbered days, except between the hours of 8:00 A.M. and 5:00 P.M. on said days.
- (4) Persons having odd numbered houses and building numbers shall be allowed to use water as provided herein on odd numbered days, except between the hours of 8:00 A.M. and 5:00 P.M. on said days.

Extreme Emergency. Persons, who can demonstrate extreme emergency or substantial hardship in the use of water pursuant to the provisions herein, may apply to the

Town of Menasha Utility District Commission for a special permit to use water at times other than specified in this Ordinance. The Commission shall have the authority to vary the regulations contained herein where extreme emergency or substantial hardship is determined to result from the imposition of the rules.

28.52 ALLOCATION OF PAYMENT FOR SERVICES PROVIDED BY TOWN OF MENASHA UTILITY DISTRICT

The Town of Menasha Utility District provides a potable water supply and a system of wastewater removal to its residents and customers for whom the Utility District levies user charges and receives payments from its residents and customers. If a customer of the Utility District fails to make payment in full upon a combined sewer and water bill, said failure to make payment in full shall provide for both the water bill and the sewer bill to be considered delinquent. No portion of a payment can be considered specifically designated for either sewer service or water service except by an equal proportion.

28.53 REPLACEMENT AND DEPRECIATION AND IMPACT FEE

- (1) Necessary charges for the continued operation of the public water supply system shall be established by the Utility District with the recommendation of the District's engineers. The Utility District shall obtain the approval of Public Service Commission before implementation of any such charge or fee and before the change or modification of fee or charge shall also obtain the approval of the Public Service Commission.
- (2) The implementation of any fee or charge that is considered to be an impact fee which is not in existence as of the date of the adoption of these regulations shall require the Utility District to follow the procedures as set forth by Wisconsin Statutes before imposition of said fee.
- (3) The Utility Commission has adopted and has in place charges and fees for payment of capital cost, depreciation and replacement as approved by the Public Service Commission and said charges and fees are hereby adopted and continued as previously ordained.

Any changes or modifications thereof shall require compliance with this ordinance and the regulations of the State of Wisconsin and Public Service Commission.

- (4) The Clerk of the Utility District shall keep a record on file, open to public inspection, that shall accurately reflect the charges or fees, the date of the adoption by the Utility District Commission, the uniform method or manner by which the fee shall be calculated and the direction of the Utility District Commission on

establishing when charges or fees are required to be paid.

28.54 WELL HEAD PROTECTION ORDINANCE

[Added 1/11/10]

- (1) **Purpose.** It is the purpose of this Ordinance to ensure a safe and sanitary drinking water supply for the Town of Menasha by the establishment of a well head protection zone surrounding the well heads for Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8 by designation and regulation of property uses and conditions that may be maintained within such zones.
- (2) **Applicability.** This Ordinance applies to:
 - (a) East Side System Wells: Well #5 and Well #7
 - (b) West Side System Wells: Well #3, Well #4, Well #6 and Well #8
- (3) The regulations specified in this Ordinance shall apply within the boundaries of the Town of Menasha.
- (4) **Protection Area Description.** There is hereby established a restricted area to be known as a well head protection area, identified and described as all the area within 1,200 feet of the Town of Menasha Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8.
- (5) **Prohibited Uses or Conditions.** Well #5, Well #7, Well #3, Well #4, Well #6 and Well #8 shall be adequately separated from potential sources of contamination. Unless a hydrogeologic investigation indicates lesser separation distances would provide adequate protection of a well from contamination, the minimum separation distances provided shall be:
 - (a) Fifty feet between a well and storm sewer main.
 - (b) Two hundred feet between a well and any sanitary sewer main, sanitary sewer manhole, lift station or single family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.
 - (c) Four hundred feet between a well and a septic tank or soil adsorption unit receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.
 - (d) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.

TOWN OF MENASHA CODE

- (e) One thousand feet between a well and land application of municipal, commercial or industrial waste; boundaries of a landspreading facility for spreading of petroleum-contaminated soil regulated under ch. NR 718 while that facility is in operation; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
 - (f) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.
- (6) **Existing Facilities.** The standards in this section, not inconsistent with the provisions of Section 62.23(7)(h), Wisconsin Statutes shall apply to all existing lawful uses of a structure or building or its accessory use which is not in conformity with the provision of this Ordinance.
- (a) Use of Existing Facilities may be continued subject to the following conditions:
 - (1) No modifications or additions to an Existing Facility shall be permitted unless made in conformity with provisions of this section. For the purposes of this section, the words "modification", in and "addition" shall include, but are not limited to, any alteration, addition, modification, rebuilding or replacement of any such structure or use. Ordinary maintenance is not considered a modification or addition; and include internal or external painting, decorating, paneling and the replacement of windows, doors, and other non-structural components.
 - (2) If use of an Existing Facility is discontinued for 12 consecutive months, any future use of the property shall conform with the appropriate provisions of this Ordinance.
 - (3) Owners and/or operators of Existing Facilities shall provide copies to the Town Administrator of all federal, state and local reports of on-going environmental monitoring or testing.
 - (4) Owners and/or operators of Existing Facilities shall provide to the Town Administrator environmental procedures or monitoring as deemed necessary by the Town of Menasha, which may include but are not limited to storm water runoff management and monitoring.
 - (5) Ordinary maintenance shall be done by Existing Facilities in a manner that improves the existing environmental conditions already in existence.
 - (6) Existing Facilities shall have the responsibility of filing with the Town of Menasha a contingency plan satisfactory to the Town of Menasha; provide immediate notification to the Town of Menasha of any emergency or event that has the potential to cause groundwater contamination.
 - (7) In the event Existing Facilities causes the release of any contaminants which endanger the Town's groundwater, the activity causing said release shall immediately cease with cleanup satisfactory to the Town of Menasha, including the payment of all cost of cleanup, Town of Menasha consultant fees, and administrative cost for oversight, review and documentation.
- (7) **Administration.** The provisions of this Ordinance shall be administered and enforced collectively by the Town's Water Supervisor and the Community Development Director. All applications for building permits for properties within a 1,200 foot radius of a municipal well site shall be examined with regard to the setback distances established in this Ordinance.
- (8) **Severability.** If any provision of the Well Head Protection Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision of its application.
- (9) **Penalties.** Anyone who violates the provisions of the Well Head Protection Ordinance shall be subject to forfeiture as referenced in Appendix C Fines and Penalties for this chapter. Each day of violation shall be considered a separate offense. In addition, the Town shall be entitled to injunctive relief, together with costs and reasonable attorney's fees for enforcement to the extent not prohibited by law.

IV. ENFORCEMENT AND SEVERABILITY

28.60 PENALTIES

- (1) Any person found to be violating any other provision of Chapter 28 of this Code of Ordinances, shall upon conviction thereof, be fined in an amount not exceeding an amount set forth in the Appendix C Fines and Penalties Schedule, reference this code section, for each violation, together with the cost of prosecution, and in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding ninety (90) days. Each day upon which any person is found to be violating any provision of this Ordinance shall constitute a separate offense. *[Amended 11/28/05]*
- (2) Any person violating any of the provisions of this Ordinance shall become liable to the Utility District for the expense, loss, or damage occasioned by reason of such violation, including all costs required to be expended in carrying out the repairs or in obtaining orders to carry the repairs from the appropriate Court and including Court and legal costs in association therewith.
- (3) The penalties of this Section shall deemed to be in addition to any other penalties, expense, loss or damage to which the Utility District is entitled to collect pursuant to other regulations contained in Chapter 28.

28.61 SEVERABILITY

If any provision of this Ordinance contained in Chapter 28 is invalid or unconstitutional, or the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or its application.