

**CITY OF MUSKEGO
CHAPTER 21 - SEWER UTILITY**

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CITY OF MUSKEGO
SEWER UTILITY
(Ord. #1035 - 08-17-2000)

21.01 CREATION

The Common Council of the City of Muskego pursuant to the provision of Sec. 66.0621(1)(b) Wisconsin Statutes, does hereby declare the City of Muskego owned sewerage system, collection system (as hereinafter defined), waste collection and disposal operations, and all other appurtenances and equipment for such purposes, a public utility as of the date of this Ordinance. (Ord. #1138 - 05-22-2003)

21.02 MANAGEMENT

- (1) The operation, management and control of the utility is hereby vested in the Common Council of the City of Muskego pursuant to the provisions of Sec. 66.0621(1) Wisconsin Statutes and hereinafter referred to as the "Approving Agency". All records of the utility shall be kept by the Clerk/Treasurer and Utilities Superintendent in the City Hall or other officially designated place. (Ord. #1138 - 05-22-2003)
- (2) The rules, regulations and rates hereinafter set forth shall be considered part of the contract with every individual or entity connected to the sewerage system. Said rules, regulations and rates may be changed from time to time as determined by the Common Council and the right is reserved to make special rates and contract in all proper cases.
- (3) The Common Council shall cause an annual audit of the books of the utility made by a private firm of Certified Public Accountants and shall make the books and records relating to the utility available for inspection during regular business hours.

21.03 APPLICATION

The application to this Section, its rules, regulations and rates shall apply to all individuals, firms, corporations and institutions residing within the corporate limits of the City of Muskego or its sewer service area and any person, firm or corporation, by attachment or otherwise coming in to locate within the City of Muskego subsequent to the effective date hereof.

21.035 SEWER SERVICE AREAS (Ord. #1138 - 05-22-2003)

- (1) The areas to be served by the City of Muskego sewer utility shall include all areas within the corporate limits of the City of Muskego within the sewer service area of MMSD or Norway Sanitary Sewer District as that may be amended from time to time; and, such areas beyond the corporate limits of the City as hereinafter identified. The Muskego utility shall have no obligation to serve any area outside the incorporated limits of the City beyond the areas hereinafter identified, and by this ordinance the City of Muskego expressly affirms its policy that it is unwilling to serve any areas beyond the corporate limits of the City, other than those expressly identified herein.
 - (a) The areas identified in the "Amendment to Agreement Creating the Linnie Lac Sanitary Sewer District By and Between the City of Muskego and the City of New Berlin" adopted by Resolution #237-2000 and any subsequent amendments to said Agreement by resolution of the Common Council

21.04 DEFINITIONS OF TERMS

The meaning of terms used in this ordinance shall be as follows:

- (1) "Act" shall mean the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended by the Federal Water Pollution Control Act Amendments of 1972 (Pub.L. 92-500) and (Pub.L. 93-243) or modified by Chapter 147, Statutes of the State of Wisconsin or appropriate section Wisconsin Administrative Code adopted pursuant to Chapter 147.
- (2) "Approving Authority" shall mean the Common Council of the City of Muskego or its duly authorized deputy, agent or representative.
- (3) "BOD" shall mean the quantity of oxygen expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."
- (4) "Building Sewer," "Lateral" or "Service Pipe" shall mean a sewer that carries only Sewage and Industrial Wastes from the building plumbing to the Public Sanitary Sewer. This pipe shall also be defined as one connection per pipe.
- (5) "City" shall mean the City of Muskego.
- (6) "Collection System" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of domestic wastewater and industrial waste.
- (7) "Commercial" shall mean multifamily dwelling units consisting of 3 or more dwelling units and all other uses not defined as residential, condominium or industrial users.
- (8) "Condominiums" shall mean a residential dwelling unit that may consist of a single family unit, duplex units or multifamily buildings of three or more units with a sewer connection that may be used individually or in common with other condominium units.
- (9) "Connection Charge" shall mean a charge levied on users for each lateral connected to the sewerage system. The revenues generated from the connection charge shall be used to cover the cost of infiltration and inflow.
- (10) "Consumption Charge" shall mean a charge levied on users to recover the component of total operation, maintenance and capital costs of the sewerage system that relates to wastewater flow caused by users of the Sewerage System. The Consumption Charge shall consist of a charge in terms of dollars per 1,000 gallons of flow.
- (11) "Debt Retirement" shall mean all annual principal and interest requirements and obligations of the City for the Sewerage System, including capital charges.
- (11.1) "Deduct Meter" shall mean a water meter installed on fixtures in a building that does not discharge to the sanitary sewer and is used to determine a deduction from the main water meter for sewer usage billing purposes. (Ord. #1113 - 08-22-02)
- (12) "Domestic Wastewater" shall mean water-borne waste normally being discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings,

factory and institutions, free of industrial waste and in which the average concentration of suspended solids is established at 320mg/l and a BOD is established at 255 mg/l.

- (13) "Flow Proportional Composite Sample" shall mean a sample consisting of portions of waste taken in proportion to the volume of flow of said wastes.
- (14) "Industrial User" shall mean any non-governmental, nonresidential user of the Sewerage System that discharges more than the equivalent of 1,000 gallons per day (GPD) of sanitary wastes and whose activities are identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: 1) Division A: Agriculture, Forestry and Fishing. 2) Division B: Mining. 3) Division D: Manufacturing. 4) Division E: Transportation, Communications, Electric, Gas and Sanitary Services. 5) Division I: Services. In determining if a user is in the industrial classification, the City may exclude domestic wastes or discharges from sanitary conveniences. After applying the sanitary waste exclusion, discharges in the above divisions that have a volume exceeding 1,000 GPD or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 1,000 GPD of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the waste discharges from residential users. Any nongovernmental user of the Sewerage System that discharges wastewater to the Sewerage System that contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other waster, to contaminate the sludge of any municipal system, or to injure or to interfere with any sewage treatment process, or that constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, shall be an industrial user, even if it does not discharge the equivalent of 1,000 gallons per day of sanitary waste.
- (15) "Industrial Waste" shall mean any water-borne solids, liquids or gaseous wastes other than domestic wastewater, resulting from discharging from, flowing from or escaping from any commercial, industrial, manufacturing or food processing operation or process or from the development of any natural resource, or any mixture of these with water or domestic wastewater.
- (16) "Intercepting Sewer" shall mean a sewer constructed to receive the dry weather flow of untreated or inadequately treated wastewater from one or more existing sanitary system terminals other than from a dwelling or building that presently discharges or formerly discharged flow directly into any waters of the state, and convey the flow to a treatment works, or is to serve in lieu of an existing or proposed treatment works.
- (17) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (18) "Normal Sewage" shall mean wastewater in which B.O.D., Suspended Solids, or phosphorus concentrations do not exceed normal concentrations of:
 - (a) A five-day 20 degree C., B.O.D. of not more than 200 parts per million.
 - (b) A suspended Solids concentration of not more than 250 parts per million.

- (19) "Operation and Maintenance Cost" shall mean the actual sums spent by the utility in the operation and maintenance of its Sewerage System consisting of but not limited to, each and all of the following purposes:
- (a) Wages and salaries and employees related expenses of operating, maintenance, clerical, laboratory and supervisory personnel, together with fringe benefits and premiums paid on such wages and salaries for the State of Wisconsin worker's compensation coverage.
 - (b) Electrical power.
 - (c) Chemicals, fuel and other operating supplies.
 - (d) Repairs to and maintenance of the equipment associated therewith.
 - (e) Premiums for hazard insurance.
 - (f) Premiums for insurance providing coverage against liability for the injury to person and/or property.
 - (g) Rents and leasing costs.
 - (h) Operation, licensing and maintenance costs for trucks and heavy equipment.
 - (i) Consultant and legal fees.
 - (j) Replacement.
 - (k) Operation; maintenance and capital costs charged to the City of Muskego by the Milwaukee Metropolitan Sewerage District (MMSD) or the Town of Norway Sanitary District No. 1
- (20) "Persons" shall mean any and all persons, natural or artificial, including any individual, firm company, municipal or private corporation, association, governmental agency or other entity and agents, servants or employees.
- (21) "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in the "Standard Methods".
- (22) "Public Sewer" shall mean a sewer in which all owners or abutting properties have equal rights, and is controlled or owned by public authority.
- (23) "Replacement" shall mean expenditures for obtaining and installing equipment, accessories and appurtenances that are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (24) "Residential" shall mean all condominiums, single family or two family (duplex) dwelling units. Multifamily or multiunit buildings consisting of 3 or more dwelling units shall be classified as commercial. Multifamily dwelling buildings of 3 or more units that consist of condominiums shall be classified as residential.

- (25) "Residential Equivalent Connection" (REC) shall mean the amount of normal wastewater discharged (base flow) by one average household. For user charge billings, the base flow associated with one Residential Equivalent Connection shall be computed by multiplying the City occupancy factor, as described in the current volume of the MMSD Cost Recovery Procedures Manual, times the gallons per capita per day factor established yearly by MMSD. Commercial lands shall be estimated at 4.81 RECs per acre and industrial lands shall be estimated at 9.63 RECs per acre until the lands are developed and actual flows can be established.
- (26) "Sanitary Sewer" shall mean a sewer that conveys domestic wastewater or industrial waste or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastewater are not intentionally passed.
- (27) "Sewer Service Charges" shall mean charges to Users of the Sewerage System. Sewer Service Charges may include connection charges, consumption charges, ready to serve charges, and other charges as deemed necessary by the Approving Authority so as to assure that each user of the Sewerage System pays its proportionate share of the cost of such facilities.
- (28) "Sewerage System" shall mean all facilities for the collection, transporting, and pumping waste and wastewater. Also may be referred to as "sewer system".
- (29) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.
- (30) "Standard Methods" shall mean the methods and procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved and published by the American Public Health Association, American Water Works Association and the Water Environment Federation.
- (31) "Storm Sewer" shall mean a sewer that carries storm and surface drainage but excludes domestic wastewater and industrial wastes.
- (32) "Superintendent" shall mean the Utilities Superintendent who shall be in charge of and supervise the operations and functions of the utility.
- (33) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
- (34) "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 discharge to the sanitary sewers and wastewater treatment facilities provided.
- (35) "User" shall mean any person discharging domestic wastewater or industrial wastes into the collection system.
- (36) "Utility" shall mean the City of Muskego sewer utility established by this Ordinance (Chapter 21).

- (37) "Waste" shall mean any solids, liquid or gaseous material or combination thereof discharged from any residences, business building, institutions and industrial establishments into the collection system or storm sewer.
- (38) "Wastewater" shall mean a combination of the water-carried waste discharges into the collection system from residences, business buildings, institutions and industrial establishments, together with such ground surface and storm water as may be present.
- (39) "Wastewater Pumping Station" shall mean a pumping facility utilized to pump wastewater within the collection system.
- (40) "Wastewater Treatment Facilities" shall mean any facilities, devices and structures used for receiving and treating wastewater from the Utility collection system.
- (41) "WPDES Permit" shall mean a permit to discharge pollutants obtained under the Wisconsin Pollutant Discharge Elimination System (WPDES) pursuant to Chapter 147 of the State of Wisconsin Statutes.

21.05 RULES AND REGULATIONS.

(1) DECLARATION OF POLICY.

The Common Council of the City of Muskego finds and declares that the public health, comfort and safety is preserved and enhanced by the provisions of the Sewerage System in the promotion of a clean and healthful environment and that the failure to connect to the Sewerage System is contrary to minimum health standards.

(2) CONNECTIONS.

- (a) To assure preservation of public health, comfort and safety, the owner of any houses, buildings or properties used for human occupancy, employment, recreation, or other habitations, situated within the City and adjacent to a Public Sewer or in a block through which a Public Sewer extends, is hereby required at his 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 nine (9) months after the Public Sewer first becomes operational or if an immediate health hazard exists within 30 days upon receipt of notice from the Health Officer or City Building Inspector.
- (b) Prior to any person or entity applying for a sanitary permit to allow for a private sewerage system, all such persons or entities making such application shall apply for a determination from the City that public sewer is not available. Upon determination of sewer being unavailable, application for permit will be allowed. (Ord. #1049 – 12/07/00)
- (c) If a person fails to comply with the said notice to connect within the given period of time the City may, at its option:
 - 1. Cause such connection to be made and bill the property owner for such costs. If such costs are not paid within 30 days, such costs shall be assessed as a special tax lien against the property, unless the owner within 30 days after the completion of the work, files a written option with the City Clerk/Treasurer stating that he cannot pay such amount in one

sum and asking that it be levied in not to exceed 5 equal annual installments, and the amount shall be so collected with interest at the rate of 9% per annum from the completion of the work, the unpaid balance to be a special tax lien; or

2. Impose a standby charge for the period that such failure continues after 10 days written notice to any owner failing to make a connection to the Sewerage System of an amount equal to 100% of the total charges calculated pursuant to §21.06(2) and §21.06(3), payable monthly for the period in which the failure to connect continues, and upon failure to make such a payment, said charge shall be levied as a tax against the lot or parcel to which sewer service was furnished.

(3) ALTERNATIVE DISPOSAL PROHIBITED.

- (a) No person shall construct or maintain any privy vault, septic tank, cesspool or other facility intended to be used for the disposal of domestic wastewater, if a Public Sewer is available.
- (b) No person shall discharge to any Natural Outlet within the City or in any area under the jurisdiction of the City, wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(4) PLUMBERS.

No plumber, pipe fitter, or other persons will be permitted to do any plumbing or pipe fitting work in connection with the Sewerage System without first receiving a license from the State of Wisconsin. If the work is performed by or under the direction of the City, and is on property subject to easement for highway or street purposes or public service right-of-way, this requirement is not applicable.

(5) MAINTENANCE OF SERVICES

All sewer services within the limits of the City from the street main to the property line and including all controls between the same, shall be maintained and repaired without expense to the property owner except when they are damaged as a result of negligence or carelessness on the part of the property owner in which case they will be repaired at the expense of the property owner. All building sewers and all facilities throughout the premises served must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property served. If any repairs are made by the City, the City will issue a statement for the expenses of the repairs to the property owner who shall pay said statement within 30 days of receipt. Failure to pay shall result in the charges being placed on the tax roll as a special charge under 66.60(16).

(6) USERS.

- (a) Application for Service. Every person requesting connection to the Sewerage System shall file an application in writing to the Utility, in such form as is prescribed for that purpose. Blanks for such applications will be furnished at the office of the City Clerk/Treasurer. The application must state fully and truly all the use that will be presently made. If any change in use from that set forth in this application is contemplated, the user must obtain further application and

permission from the utility. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application.

The application may be for service to more than one building, or more than one unit of service through one service connection; and, in such case, charges shall be made accordingly.

If it appears that the service applied for will not provide adequate service for the contemplated use, the Utility may reject the application. If the Utility approved the application, it shall issue a permit for services as shown on the application.

All expenses relating to the connection to the Sewerage System shall be paid by the applicant or owner.

- (b) Tap Permits. After sewer connections have been introduced into any building or upon any premises no plumber shall make any alterations, extensions, or attachments, unless the party ordering such tapping or other work shall obtain and exhibit the proper permit for the same from the utility.
- (c) User to keep in Repair. All users shall keep their own service pipe in good repair and protected from frost, at their own risk and expense; and shall prevent any unnecessary overburdening of the Sewerage System. (Ord. #1135 - 03-20-2003)
- (d) User Use Only. No user shall allow other persons to connect to, or permit other uses to be made of, the Sewerage System through his lateral.
- (e) User to Permit Inspection. Every user shall permit the City or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures, and the manner in which the drains and sewer connections operate; and they must at all times, frankly and without concealment, answer all questions put to them relative to its use.
- (f) Responsibility. No claim shall be made against the City or its agents or employees by reason of the breaking, clogging, stoppage or freezing of any service pipe; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary by the City absent gross negligence of the City, its agents or employees. The City may cut off the service at any time for the purpose of repairs or any other necessary purpose, any permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer service within any areas of the City, the City shall, if practicable, give notice to each affected user.

(7) EXCAVATIONS.

- (a) In making excavations in streets or highways for laying service pipe or making repairs, the paving and earth moved must be deposited in a manner that will occasion the least inconvenience to the public.
- (b) No person shall leave any such excavation made in any street or highway open at any time without barricades; and during the night, warning lights must be maintained at such excavations.

- (c) All services within the public right-of-way shall have their trenches backfilled with materials as approved by the Superintendent of Public Works; and this work together with the replacing of sidewalks, and paving must be done so as to make the street as good, at least, as before it was disturbed, and satisfactory to the City.

(8) LATERALS.

- (a) All laterals on private property will be installed in accordance with State of Wisconsin Administration Code Chapter DOC 82.04(4) "Building Sewers" as from time to time amended.
- (b) The Building Sewer shall be inspected by the City Plumbing Inspector or his designee upon completion of placement of the pipe and before backfilling; and tested before and after backfilling.

(9) TAPPING THE MAINS.

- (a) No persons, except those having special permission from the City or persons in their service and approved by them, will be permitted, under any circumstances to tap the Public Sanitary Sewers. The kind and size of the connection with the Public Sanitary Sewers shall be that specified in the permit or order from the City.
- (b) Pipes should always be tapped at the top, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection.
- (c) When any lateral is to be re-laid and there are two or more parcels connected to the lateral, all but one of the parcels shall be disconnected from such lateral and new laterals shall be installed for the remaining parcels.

(10) METERING

- (a) All industrial, commercial and multifamily users (consisting of three or more units) shall be required to install metering devices as further described at Section 21.13 of this Ordinance at user's expense by 12/31/00. This metering requirement shall apply to all water systems including but not limited to private, community, and public water systems.
- (b) Metered users, as described in 21.05 (10) (a) may install, at their expense, a deduct meter per 21.13 (9) to measure water not entering the sanitary sewer system. The total from this meter shall be subtracted from the main water meter for sewer usage billing purposes. (Ord. #1113 - 08-22-02)

21.06 SEWER SERVICE CHARGES, CONNECTION CHARGES AND RESERVE CAPACITY ASSESSMENTS

(1) GENERAL

- (a) It shall be the policy of the Utility to establish sewer service charges in such amount as to obtain sufficient revenues to pay the following costs: 1. Operation and maintenance including contributions to a replacement fund. 2. Debt service including debt service reserves and coverage requirements.

- (b) Those aspects of sewer service charges relating to operation, maintenance and replacement fund shall be in accord with any relevant and applicable requirements imposed by the Wisconsin Department of Natural Resources or by federal law.
- (c) The Utility may establish sewer service charges including connection charges, consumption charges, ready to serve charges and other charges as deemed necessary by the Approving Authority so as to assure that each user of the sewerage system pays its proportionate share of the cost of such facilities.
- (d) A review of the user charge system shall be conducted on an annual basis. This review shall include an analysis of the total costs of the system and of wastewater contribution of users and user classes.
- (e) The charges established hereunder will be developed using a utility rate making method that include recovery of operation and maintenance costs plus depreciation, amortization and a return on investment. The computation of revenue requirements for ratemaking purposes will include reductions for City subsidies, other revenues and operating reserves.

(2) CONSUMPTION CHARGE (Ord. #1098 - 04/04/02)

A consumption charge is hereby imposed upon all users of the sewerage system. The consumption charge will recover the component of total operation, maintenance and capital costs of the sewerage system that relates to sewage flow attributable to users of the system. The consumption charge shall consist of a charge in terms of dollars per 1,000 gallons. The consumption charge shall be based upon metered water usage or an assigned residential equivalent connection (REC) value. All single-family residences or stand alone or detached condominiums shall be assigned a REC value of one (1). For all users other than single-family residences, stand alone or detached condominiums, duplexes or duplex condominiums, consumption charge shall be based upon metered water usage. For all users that do not have water meters installed, other than single-family residences, stand alone or detached condominiums, the consumption charge shall be based upon the assigned REC value determined as follows:

<u>Property Type</u>	<u>REC</u>
<u>Residential Properties</u>	
Duplex/Condominium (3 bedroom Unit - each side)	1.00
Duplex/Condominium (2 Bedroom Unit - each side)	.75
Duplex/Condominium (1 Bedroom or less unit - each side)	.50
Single Family with Mother-in-law (3 bedroom attachment)	2.00
Single Family with Mother-in-law (2 bedroom attachment)	1.75
Single Family with Mother-in-law (1 bedroom attachment)	1.50
Multifamily Apt./Condominium (3 Bedroom Unit - each unit)	1.00
Multifamily Apt./Condominium (2 Bedroom Unit - each unit)	.75
Multifamily Apt./Condominium (1 Bedroom Unit/Less - each unit)	.50
Commercial and Industrial Properties	See Note (1)

Note (1): Commercial and Industrial Properties:

REC values for all non-metered properties shall be assigned based upon the methodology set forth in the Estimated Volume of Discharge section of the current volume of the Milwaukee

Metropolitan Sewerage District Cost Recovery and Procedures Manual as may be amended from time to time.

All buildings shall be assigned a minimum value of one (1) REC. **Exception: In the case of a business property with multiple buildings, the property shall be assessed a minimum of one (1) REC for the main building, and an additional minimum .5 REC for each additional building connected to sewer, if the property meets all of the following criteria:**

1. **The property may not be able to be divided as determined by the Planning Director.**
2. **The property must be occupied by the same business for all of the buildings.**

(3) CONNECTION CHARGE

A connection charge is hereby imposed upon each user connected to the sewerage system. The connection charge shall recover the cost of infiltration and inflow in the sewerage system. The connection charge shall be levied to each lateral connection to the sewerage system and will consist of a flat fee per connection. Laterals that have multiunit condominium dwellings connected to them shall have the cost of the lateral connection divided proportionately to each of the users of the lateral.

(4) SPECIAL RATES

It is understood that the approving authority may at any time hereafter set special rates for certain users. Any user discharging wastewater other than domestic wastewater or any toxic pollutants, wastewater or other wastes to the sewerage system shall pay for the increased operation, maintenance and replacement costs caused by their discharge.

(5) INDUSTRIAL AND COMMERCIAL CHARGES FOR OTHER THAN DOMESTIC WASTEWATER.

Charges made for wastewater and other than Domestic Wastewater shall be based on flow, BOD, Suspended solids, Phosphorous and other such constituents that affect the cost of collection and treatment. All persons discharging waste into the Sewerage System are subject to a surcharge, in addition to any other sewer service charge, if their wastewater has a concentration greater than Domestic Wastewater concentrations. The volume of flow used for computing waste surcharges shall be the metered water consumption, or the actual volume of waste as determined by an industrial waste metering installation. The amount of surcharge shall reflect the cost incurred by the City, the Town of Norway Sanitary District, and the Milwaukee Metropolitan Sewerage District (MMSD) in removing BOD, Suspended Solids, Phosphorous, and other pertinent constituents. The total commercial and industrial service charges shall consist of the actual surcharge from the MMSD or the Town of Norway Sanitary District No. 1 submitted to the City of Muskego plus the connection charge and the consumption charge from the City.

(6) INITIAL CONSTRUCTION FEE.

For each new lateral or service connection there shall be charged a fee in an amount as may be established by the Common Council from time to time by separate resolution. This fee shall be paid to the City at the time of building permit or plumbing permit issuance.

(7) RESERVE CAPACITY ASSESSMENTS.

There is hereby levied and assessed upon each lot or parcel of land currently within the City, but not having an existing connection to the Sewerage System and upon land subsequently attached to the City, a Reserve Capacity Assessment (RCA). Such RCA charge shall be payable as herein provided and shall be on the basis of one RCA charge for each residential equivalent connection connected to the Sewerage System. The number of residential equivalent connections shall be calculated in accordance with Appendix A. For the purpose of this chapter, sewer reserve capacity assessments in the City shall be classified as existing users and future users.

(a) Existing Users.

1. Property owners whose improved lot has been connected to City sewer prior to January 1, 1985, will pay a reserve capacity assessment of \$250 per residential equivalency connection.
2. Properties being served prior to public sewer connection by septic systems, mounds and holding tanks will pay this assessment on or before November 1 in the year the plumbing permit is obtained to connect to the sewer, except if said permit is obtained after November 1 in any calendar year, the assessment will be paid on or before November 1 of the next calendar year. This \$250 assessment shall increase by \$22.50 per residential equivalency connection per year, commencing January 1, 1986.

(b) Future Users.

1. Properties where public sewer connection takes place or additional capacity is made available after January 1, 1985, and which are not being served by a septic system, mounds or holding tank, will pay a reserve capacity assessment of \$1,500 per residential equivalency connection on or before November 1 of the year of connection or the year when additional capacity is made available except if said connection or additional capacity is made available after November 1 in any calendar year, the assessment will be paid on or before November 1 of the next calendar year. This reserve capacity assessment will increase by \$135 each January 1 commencing on January 1, 1986.
2. The number of residential equivalency units for all categories of future users reserve capacity assessment purposes shall be determined by the City Engineer at the time of issuance of a building permit based as far as possible on the residential equivalency, which determination may be appealed to the City of Muskego Public Utilities Committee within 60 days of said determination. All determinations of the number of residential equivalency units shall take into consideration potential future use and necessary capacity.

(c) Installment Payments

1. The assessments for those connecting to the City of Muskego sewerage system on or before September 7, 1984, may be paid in cash in full on or before November 1, 1984, or in five (5) equal annual installments of principal together with 12 months interest per installment at the rate of 9% per annum on the unpaid balance commencing on November 1, 1984, and said first installment being due on the date when real estate

taxes are due and annually thereafter. All assessments or installments which are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquency real estate taxes shall apply to such special assessment, except as otherwise provided by statute. Existing users as defined above who are not connected will be given the five installment method provided, however, the first installment shall be due and payable on or before November 1 in the year the plumbing permit is issued except if said permit is obtained after November 1 in any calendar year, the assessment will be paid on or before November 1 of the next calendar year. All annual installments due on the 1st day of November, 1996 and thereafter shall bear interest at the rate of 8% per annum on the same basis as stated above until further action of the Common Council.

2. Future users may pay their assessment in five (5) equal annual installments of principal together with 12 months interest per installment at the rate of 9% per annum commencing on November 1 in the year of connection or in the year additional capacity is made available except if said connection or additional capacity is made available after November 1 in any calendar year, then commencing on November 1 of the next calendar year and said first installment being due on the date when real estate taxes are due and annually thereafter. All assessments or installments which are not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection return and sale of property for delinquency real estate taxes shall apply to such special assessment, except as otherwise provided by statute.

All annual installments due on the 1st day of November, 1996 and thereafter shall bear interest at the rate of 8% per annum on the same basis as stated above until further action of the Common Council.

(8) READY-TO-SERVE CHARGE:

The owner of each premise to which sewer service has been provided by the City but not connected to the Sewerage System for sewer service where no indoor plumbing is available shall pay for the availability thereof a "ready-to-serve charge" equal to the rate provided by Section 21.06(3). A "ready-to-serve charge" is not a standby charge and applies only to existing structures without indoor plumbing. Any "ready-to-serve charge" becoming effective during any year shall be charged on a pro rata basis for that year in which such charge becomes effective.

(9) VACANT BUILDINGS.

- (a) Any previously connected industrial building, which is now vacant, or any commercial or industrial building, which is vacant due to initial construction, shall be assigned 1.0 REC for purposes of consumption charges. Such REC assignment will become effective at the end of the quarterly period in which such building becomes vacant if the owner, or the owner's agent, notifies the City Clerk/Treasurer in writing of such vacancy and upon inspection thereof by the City to determine that such building is vacant. The owner or the owner's agent shall pay the a fee in such amount as will be determined from time to time by resolution of the Common Council to the City for such an inspection. The fee

for said inspection shall be paid prior to the inspection being made and is nonrefundable.

- (b) It shall be the duty of the owner of any vacant commercial or industrial building to notify the City Clerk/Treasurer in writing within five (5) days from the date any such building, or any portion thereof, is re-occupied. The sewer user charge for the quarter that any such building or any portion thereof is re-occupied shall be prorated for such quarter.
- (c) If such owner fails to notify the City Clerk/Treasurer of re-occupancy of said building, or any portion thereof as herein provided, then 200% of the sewer user charge shall be assessed against said building until such notice is received. The notice to be given shall describe the premises and uses involved, and the date the premises are re-occupied.

21.07 ANNUAL BUDGET AND METHOD OF PAYMENT OF CHARGES

- (1) On an annual basis and prior to December 1st of each year, the Finance Director shall prepare a Sewer Utility budget. The budgeted expenditures shall be incorporated into the annual sewer user rate review. The budgeted revenues shall be sufficient to cover projected operation, maintenance and debt service costs of the sewer utility and any contributions to replacement or reserve accounts as may be deemed necessary.
- (2) Sewer service charges may be billed monthly, bi-monthly or quarterly and will be billed in the period after which services are received. Charges shall be payable at the City Clerk/Treasurer's office or at any other officially designated location. Statements for such charges and assessments levied and assessed in accordance with this ordinance shall become due and payable within 30 days from and after the date of the statement. In the event that any such statement or statements are not paid when due, a penalty of 1% per month will be added thereto. (Ord. #1072 - 07-05-2001)
- (3) Billing: The property owner is held responsible for all sewer bills on premises that he owns. All sewer bills and notices of any nature, relative to the sewer service, will be addressed to the owner and/or occupant and delivered to the addressee by first class mail.
- (4) Failure to Receive Bill No Penalty Exemption: Every reasonable care will be exercised in the proper delivery of sewer bills. Failure to receive a sewer bill, however, shall not relieve any person of the responsibility for payment of sewer rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment thereof.
- (5) Delinquent Accounts:
 - (a) On or before October 1 of each year, the sewer utility shall furnish the City Clerk/Treasurer with a listing of all lots or parcels for which utility charges are still owed for service provided in the year preceding October 1st.
 - (b) On October 15 in each year, the City Clerk/Treasurer shall give notice to the owner or occupant of all lots or parcels of real estate for which payment is owed and in arrears at the time that the notice is given. Such notice shall be in writing and shall state the amount of such arrears, including any penalty assessed pursuant to the rules of the City. The notice shall also state that unless such arrears, with any such added penalty, is paid by November 1, thereafter a

penalty of 10% of the amount of such arrears will be added thereto and that unless such arrears, with any such added penalty, shall be paid by November 15, thereafter, the same will be levied as a tax against the lot or parcel of real estate to which utility service was furnished and for which payment is delinquent. Such notice may be served by delivery to either such owner or occupant personally or by letter addressed to such owner or occupant at the post office addresses of such lot or parcel of real estate. Failure to serve or receive such notice, however, shall not relieve any person of the responsibility for payment for services that have been furnished, nor exempt any person from any penalty imposed for delinquency in the payment thereof, nor exempt the property from imposition of a lien as provided herein.

- (c) On November 16, the City Clerk/Treasurer shall certify and file a list of all lots or parcels of real estate, giving the legal descriptions thereof, for which the owners or occupants were given notice of arrears in payment as above specified and for which arrears still remain unpaid. The list shall state the amount of such arrears together with the added penalty thereon as herein provided. Each delinquent amount including penalty, shall thereupon become a lien upon the lot or parcel of real estate to which the service was furnished and payment is delinquent. The City Clerk/Treasurer shall insert the same as a tax against such lot or parcel of real estate. All proceedings in relation to the collection of general property taxes shall apply to said delinquent tax if the same is not paid within the time required by law for payment of taxes upon real estate.

- (6) Charges for sewer usage shall begin on the date a residential, commercial, industrial or institutional parcel or building is connected to the sanitary sewer.

21.08 ACCOUNTS AND FUNDS

- (1) Income and revenues derived by the Utility shall be accounted for separately and distinctly from the City General Fund.
- (2) A replacement reserve fund shall be maintained with the purpose of providing for the replacement of mechanical equipment in order to maintain the capacity and performance for which the sewer system facilities were designed. Other segregated funds (e.g. debt reserve, capital improvement fund) may be established and maintained as necessary.

21.09 PROHIBITED DISCHARGES

- (1) No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, yard drainage, yard fountain, swimming pool or pond overflow into the collection system. Unpolluted water or waste shall be discharged to only storm sewers or to a natural outlet.
- (2) No person shall discharge or cause to be discharged to the collection system either directly or indirectly any of the following described wastes or wastewater:
 - (a) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade).
 - (b) Any wax, grease or oil, plastic or any other substance that will solidify or become discernibly viscous at temperatures between 32 degrees to 150 degrees Fahrenheit (0 degrees to 65 degrees Centigrade).

- (c) Any solids, liquids or gases, which by themselves or by interaction with other substances may cause fire, explosion, hazards, create toxic fumes or in any other way be injurious to persons or property involved in the operation or maintenance of the Sewerage System.
- (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 Sewerage System, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Any garbage that has not been properly comminuted or shredded to such a degree that all particles will be carried freely in suspension in the municipal sewers. (100% passing 1.2" screen, 90% passing 1/4" screen).
- (f) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing odors objectionable to persons of ordinary sensitivity.
- (g) Any wastes or wastewater having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to the Sewerage System or personnel.
- (h) Any wastes or wastewater of such character and quantity that unusual attention or expense is required to handle them in the Sewerage System.
- (i) Any wastewater or wastes containing a toxic or poisonous substance such as plating or heat treating wastes in sufficient quantity to injure or interfere with wastewater treatment process, to constitute a hazard to humans or animals, to create any hazard in the Sewerage System, or which would cause the Wastewater treatment facilities to discharge any of the following pollutants in quantities in excess of the limitation as established in the Wisconsin Administrative Code or WPDES Permit: cyanide, hexavalent chromium, trivalent chromium, copper, nickel, cadmium, phenols, iron and tin.
- (j) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.
- (k) Free or emulsified oil and grease exceeding on analysis an average of 100 mg/l of either or both or combinations of free or emulsified oil and grease, if, in the opinion of the Utilities Superintendent it appears probable that such wastes or wastewater:
 - 1. Can deposit grease or oil in the collection system in such manner to cause it to clog.
 - 2. Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal wastewater treatment processes.

3. Can have deleterious effects on the wastewater treatment process due to the excessive quantities.
- (l) Any cyanides or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of one-half (0.5) mg/l by weight as cyanide in the wastes.
 - (m) Wastes or wastewater that:
 1. Cause unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate).
 2. Cause excessive discoloration in the wastewater treatment facilities discharge.
 3. Has BOD in excess of 900 mg/l bases upon a 24-hour composite sample.
 4. Has a total BOD or suspended solids loading in excess of any wastewater discharge permit described in Section 21.15.
 5. Is discharged without application for a wastewater discharge permit or contractual agreement as required under Section 21.15.
 6. Cause damage to the collection system or impair the treatment process.
- (3) No person shall allow the discharge of slugs of water or wastes to the collection system that may be harmful to the operation of the Sewerage System. Where, in the opinion of the Utilities Superintendent, slugging does occur, each person producing such a discharge into the collection system shall construct and maintain at this own expense, a storage reservoir of sufficient capacity with flow control equipment to insure an equalized discharge over a 24-hour period.
 - (4) No person shall discharge any waste or wastewater that would cause the wastewater treatment facilities to be in violation of any of the requirement of their WPDES permit.
 - (5) No person shall connect to and discharge to the collection system, unless there is capacity available in all downstream components of the Sewerage System as determined by the City Engineer.

21.10 ACCIDENTAL DISCHARGES.

Any person who accidentally discharges wastes or wastewater prohibited under Section 21.09 shall immediately report such discharge to the Utilities Superintendent.

21.11 PRETREATMENT FACILITIES.

- (1) The Approving Authority may require pretreatment facilities of any person discharging or planning to discharge industrial waste, if the waste or wastewater:
 - (a) Could cause damage to the collection system.
 - (b) Impair the treatment process.

- (c) Cause the City to incur treatment costs exceeding those of domestic wastewater.
 - (d) Have any of the characteristics of the "Prohibited Discharges" described in Section 21.09 Ordinance.
 - (e) Cause the wastewater treatment facilities to exceed its total design loading for volume, BOD, suspended solids or any pollutant.
- (2) Construction, operation and maintenance of pretreatment facilities shall be at the expense of the person discharging the industrial waste.
 - (3) Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for review of the Utilities Superintendent and City Engineer prior to the start of construction.
 - (4) In accordance with Wisconsin Administrative Code NR 114, all pretreatment facilities shall be operated by qualified personnel holding a license of the proper class issued by the Wisconsin Department of Natural Resources.

21.12 SAND AND GREASE TRAP INSTALLATIONS.

Grease, oil and sand interceptors shall be provided at repair garages, gasoline stations, car washes and other industrial or commercial establishments for the proper handling of liquid wastes containing grease in excessive amounts, oil, flammable wastes, sand and other harmful ingredients. All interceptors shall be constructed in accordance with the Wisconsin Plumbing Code and shall be located as to be readily and easily accessible for easy cleaning and inspection. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuous, efficient operation at all times.

21.13 WASTEWATER MEASUREMENT AND SAMPLING

- (1) Wastewater flows shall be assigned in accordance with the methodology set forth in the Estimated Volume of Discharge Section of the current volume of the Milwaukee Metropolitan Sewerage District Cost Recovery and Procedures Manual as may be amended from time to time, unless the City requires or the Owner of any lot, parcel of land, building or premises discharging domestic wastewater or industrial waste into the sewerage system requests that the necessary metering equipment be installed as approved by the Utilities Superintendent to measure the quantity of water pumped or discharged to the sewerage system.
- (2) Initial costs for metering equipment and installation shall be paid by user if user is not on municipal water or if a deduct meter is installed. Municipal Water Utility customers will utilize the reading from the meter provided by the Water Utility. The user charge shall be based on the quantity of water so measured. Whenever the person fails to install such metering equipment, or where it is not practicable to measure the water consumed on any premises by a meter or meters, the Utilities Superintendent shall determine the estimated volume of water discharged into the sewerage system. (Ord. #11113 - 08-22-02)
- (3) The user shall be required to verify the accuracy of the water metering equipment at the following minimum intervals: *[Note: For those on municipal water, the water utility tests the metering equipment per the below schedule at no charge to the user.]*

<u>Water Meters Size In.</u>	<u>Test Interval - Years</u>
5/8, 3/4, 1	10
1 1/2 and 2	4
3 and 4	2
6 and over	1

- (4) Sewer discharge meters shall be tested and certified yearly. (Ord. #1113 -08-22-02)
- (5) Meter testing shall be performed by the Utility. (Ord. #1113 - 08-22-02)
- (6) The Utility shall establish a yearly charge for testing, maintenance, repairs, and replacement, when necessary, of meters. This charge will apply to all users not on municipal water or those that have deduct meters. (Ord. #1113 - 08-22-02)
- (7) The Utilities Superintendent may require the installation of devices for metering the volume of waste discharged if those volumes cannot otherwise be determined. The metering devices shall be owned and maintained by the person and may not be removed without consent of the Utilities Superintendent.
- (8) Control Manholes: All persons discharging industrial wastes into the Sewerage System shall construct and maintain control manholes in suitable and accessible positions on public property or easement to facilitate the observation, measurement and sampling of all his wastes or wastewater. Control Manholes shall be located and constructed in a manner approved by the Utilities Superintendent. Plans shall be submitted and approved by the Utilities Superintendent prior to construction.
- (9) The Utility Superintendent shall determine the type of meter to be used.

21.14 INDUSTRIAL WASTE ANALYSIS

- (1) When Wisconsin Administrative Code Sections NR 101, NR 202 and/or the MMSD or the Town of Norway Sanitary District No. 1 require the submittal of the character, and concentration of wastes, waste volume, and production information to the MMSD or the Town of Norway Sanitary District No. 1 and/or Wisconsin Department of Natural Resources (DNR), the user shall have the waste character and concentration determined by an independent testing laboratory. A copy of the test results and DNR reports shall be submitted to the Utilities Superintendent.

21.15 WASTEWATER DISCHARGE PERMIT SYSTEM

- (1) Wastewater Discharge Permit. The requirement for wastewater discharge permits is regulated by the MMSD or the Town of Norway Sanitary District No. 1. A copy of the permit application and any issued permit shall be submitted to the Utilities Superintendent.
- (2) Revocation of Permit. Any user who violates any of the conditions of his permit contractual agreement, or this ordinance; or applicable State and Federal regulation, is subject to having his permit revoked.

21.16 ADMISSION TO PROPERTY

The City shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of this ordinance.

21.17 CONFIDENTIALITY OF CRITICAL INFORMATION

When requested by the user furnishing a report or permit application or questionnaire, the portions of the report, or other document, which might disclose trade secrets or secret processes shall not be made available for use by the City or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

21.18 VIOLATIONS

- (1) Any person who fails to comply with any of the provisions of this ordinance or with an order of the Approving Authority issued in pursuance of this ordinance, or shall tamper with metering or sampling, shall be liable to the City for any expense, loss or damage occasioned by such violation including reasonable attorney's fees and other expenses of litigation and upon conviction of any violation of this ordinance, shall be fined not less than \$100.00 nor more than \$2,500.00 per violation, plus damages. Each day a condition is allowed to exist which is contrary to all or any part of this ordinance shall constitute a new violation. Change of ownership or occupancy of premises delinquent under the provisions of this ordinance shall not be cause for reducing or eliminating charges due and penalties for violations.
- (2) In addition to the court proceedings and penalties described in the foregoing sections of this ordinance, whenever a person violates any provision of this ordinance or fails to comply with any order of the Approving Authority, the Approving Authority may order that an action be commenced on behalf of the City in the Circuit Court for Waukesha County for the purpose of obtaining an injunction restraining the person violating the ordinance or failing to comply with the order, from making any further discharges into the Sewerage System of the City.

21.19 STATE REGULATIONS

The City shall operate the sewer utility and enforce this Ordinance in accordance with Section NR 128.13 of the Wisconsin Administrative Code. The main items included in NR 128.13 are as follows:

- (1) The City shall maintain a proportionate distribution of operation, maintenance and replacement costs among users and user classes.
- (2) The City shall generate sufficient revenues to pay total operation, maintenance and replacement costs.
- (3) The City shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- (4) All user charges specifically collected for replacement shall be deposited in a separate and distinct fund that shall be used exclusively for replacement.
- (5) Users discharging toxic pollutants shall pay for any increased operation, maintenance and replacement costs caused by the toxic pollutants.

- (6) Users shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges that are attributable to the sewer utility services.
- (7) This Ordinance shall take precedence over any terms or conditions of agreement or contracts between the City and users that are inconsistent with the requirements of NR 128.13.

21.20 MMSD REGULATIONS

The following sections and related appendices of the Milwaukee Metropolitan Sewer District (MMSD) Rules and Regulations, Chapter 17 promulgated by MMSD, as now in effect and as the same may be amended from time to time hereafter, are hereby incorporated by reference and shall be of full force and effect as though set forth in their entirety herein.

- 17.102 Definitions
- 17.104(1) Municipal Transfer of Data
- 17.104(2) Estimated Volume of Discharge
- 17.104(4) Collection Terms
- 17.105(1) User Transfer of Data
- 17.105(2) Discharge Factor Certification
- 17.105(3) Waste strength Certification
- 17.105(4) Certification Procedures
- 17.105(5) Verification
- 17.105(6) Audit Control of User Connections
- 17.105(7) Appeal Provision
- 17.201 Purpose of the User Charge System
- 17.202 User Charge Billing Basis
- 17.203 Wholesale User Charge Billing Basis
- 17.204 Unit Costs of Treatment
- 17.401 Purpose of the Industrial Cost Recovery (ICR) System
- 17.402 ICR Billing Basis
- 17.403 Wholesale ICR Billing Basis
- 17.404 Unit Costs of ICR

21.21 MUSKEGO SEWER EXTENSION PERMIT IN MMSD CONTRACT AREA

- (1) INTENT.

The City of Muskego has contracted with the Milwaukee Metropolitan Sewerage District (MMSD) to provide sewer service within a certain area of the City pursuant to the terms and conditions of said contract. Pursuant to the terms and conditions of said contract, there is a limitation on the amount of base flow which the City may utilize and certain procedures after which certain amounts of base flow will be considered to have been utilized by the City and thereafter removed from the amount of base flow which can be utilized in the future by the City. In adopting this ordinance, the City is attempting to prevent the allocation of portions of the base flow to sewer extensions that will not be constructed within a defined time period.

- (2) APPLICATION FOR SEWER EXTENSION PERMITS.

Any person who wishes to obtain a sewer extension permit within the MMSD contract area of the City must file with the City an application for a sewer extension permit in a manner as designated by the City. That said application will be considered by the Public Utilities

Committee of the City of Muskego and shall only be granted if the Committee determines that the amount of capacity allocated by the granting of said permit will not jeopardize the ability of the City to comply with the terms and conditions of said MMSD contract and it is reasonably anticipated that the extensions will be constructed and utilized within the time period stated in this ordinance.

(3) TERMINATION OF PERMIT.

- (a) Except as provided herein, all sewer extension permits granted under this ordinance shall automatically terminate and the allocation of said capacity shall cease to the extent that said sewer extension is not certified, by a representative appointed by the City to make said certification, to be completely constructed and approved within one year of the granting of said permit.
- (b) Any sewer extension permits granted under this ordinance may be extended beyond the one year period specified in subsection (a) above if, prior to the end of said one year period, the period is extended by a subdivider's/developer's agreement entered into between the holder of said permit and the City. Said extension shall only be granted if installation of the sewer extensions is secured by either a letter of credit or, when not prohibited by other ordinances or resolution of the City, other security deemed appropriate by the City. Said letter of credit or security shall be sufficient to ensure the installation of the sewer extension under terms and conditions satisfactory to the City for that phase of the development covered by the subdivider's/developer's agreement.
- (c) Any subdivider's/developer's agreement entered into pursuant to subsection (b) above shall also contain a provision, satisfactory to the City, indicating that all other sewer extension permits granted under this ordinance, and not secured as required in subsection (b) above, shall automatically terminate and the allocation of said capacity shall cease to the extent that said sewer extension is not certified, by a representative appointed by the City to make said certification, to be completely constructed and approved within four years of the execution of the subdivider's/developer's agreement.
- (d) If the development noted above is being developed in phases, then the developer may, within the four year period referred to in subsection (c) above, request that the City enter into an additional subdivider's/developer's agreement for the next phase of said development. Any such developer's agreement shall contain provisions as required in subsection (b) above to secure and ensure installation of sewers for that phase and shall also contain a provision as provided in subsection (c) above for the remaining extension permits.
- (e) A developer may, if additional phases are provided for in the development, submit additional subdivider's/developer's agreements for additional phases. Any such agreement shall be subject to the same terms and conditions as stated in subsections (b), (c) and (d) above.

(4) PERMISSION FOR USE OF SEWER EXTENSIONS PREVIOUSLY GRANTED.

- (a) As to all sewer extensions that would now be under this section but were approved prior to the initial adoption of Section 21.21 on July 3, 1991, all of the persons or entities granted such permission shall be given notice of the passage of this ordinance and shall be considered to have been granted a sewer extension permit as of the date they are mailed notice of the adoption of this ordinance. No permit fee will be required under this subsection. The sewer

extension permit granted under this subsection shall terminate and the allocation of said capacity shall cease to the extent that said sewer extension is not certified, by a representative appointed by the City to make certification, to be completely constructed and approved within one year of the mailing of the notice of the adoption of this ordinance.

- (b) Any sewer extension permits granted under this ordinance may be extended beyond the one year period specified in subsection (a) above if, prior to the end of said one year period, the period is extended by a subdivider's/developer's agreement entered into between the holder of said permit and the City. Said extension shall only be granted if installation of the sewer extensions is secured by either a letter of credit or, when not prohibited by other ordinances or resolution of the City, other security deemed appropriate by the City. Said letter of credit or security shall be sufficient to ensure the installation of the sewer extension under terms and conditions satisfactory to the City for that phase of the development covered by the subdivider's/developer's agreement.
- (c) Any subdivider's/developer's agreement entered into pursuant to subsection (b) above shall also contain a provision, satisfactory to the City, indicating that all other sewer extension permits granted under this ordinance, and not secured as required in subsection (b) above, shall automatically terminate and the allocation of said capacity shall cease to the extent that said sewer extension is not certified, by a representative appointed by the City to make said certification, to be completely constructed and approved within four years of the execution of the subdivider's/developer's agreement.
- (d) If the development noted above is being developed in phases, then the developer may, within the four year period referred to in subsection (c) above, request that the City enter into an additional subdivider's/developer's agreement for the next phase of said development. Any such developer's agreement shall contain provisions as required in subsection (b) above to secure and ensure installation of sewers for that phase and shall also contain a provision as provided in subsection (c) above for the remaining extension permits.
- (e) A developer may, if additional phases are provided for in the development, submit additional subdivider's/developer's agreements for additional phases. Any such agreement shall be subject to the same terms and conditions as stated in subsections (b), (c) and (d).

(5) PERMIT FEES.

Upon filing of an application, applicant shall pay a permit fee as may be determined by Resolution of the Common Council from time to time per application per type of development (residential, multifamily, commercial, or industrial).

(6) PERMIT NOT A GUARANTEE.

Any applicant who has obtained a sewer extension permit pursuant to the provisions of this Section shall also be subject to applicable rules and regulations of the Milwaukee Metropolitan Sewerage District as well as all applicable State and Federal laws. The issuance of a sewer extension permit under this Section is not a guarantee that an applicant will be allowed to connect to the sewerage system.

City of Muskego - Municipal Code Chapter 21 - Appendix A
Residential Equivalent Connection Chart

RESIDENTIAL		REC
Condominium (single unit building)		1.00
*Duplex/Condominium (3 Bedroom unit-each side)		1.00
*Duplex/Condominium (2 Bedroom unit-each side)		.75
*Duplex/Condominium (1 Bedroom or Less unit- each side)		.50
*Single Family with Mother-in-law (3 bedroom attachment)		2.00
*Single Family with Mother-in-law (2 bedroom attachment)		1.75
*Single Family with Mother-in-law (1 bedroom attachment)		1.50
Multiple Family Apt./Condo (3 Bdrm/more ea. unit)		1.00
Multiple Family Apt./Condo (2 Bedroom-ea. unit)		.75
Multiple Family Apt./Condo (1 Bdrm/less-ea. unit)		.50
Single Family		1.00
Vacant Land		0

COMMERCIAL/INDUSTRIAL (Based on Employee Count)	REC	COMMERCIAL/INDUSTRIAL (Miscellaneous)	REC
10 or less Employees	1.00	Amusement Parks	Upon application
11 to 15 Employees	1.25	Barber Shops	.75 full-time manned station
16 to 20 Employees	1.50	Beauty Parlors	.75 full-time manned station
Each additional 5 Employees	.25	Bowling Alleys	.75 pair alleys
Advertising Agencies		Car Wash	Upon Application
Auto & Supply Stores		Churches	1.25 (under 500 members)
Banks			2.00 (over 500 members)
Building Materials Dealer		Club House	Upon Application
City Hall		Dance Hall	Upon Application
Commercial Printing		Factory/Industry(Metered)	1.00/192 gal./day
Drug Stores		Fire Station	1.00
Dry Cleaners		Funeral Homes	Upon Application
Employment Services		Home/Bus. Comb.	1.00/home, + .25 ea. 5 employees if applicable or REC Chart
Factory/Industry (Non-Metered)		Laundromat	.333 per machine
Garage		Mall (Public Facility)	2.50
General Contracting Offices		Nursing Homes	.75 per bed
Greenhouse/Garden Center		Offices:	
Hardware-Wholesale/Retail		Dentists	1.00 full-time
Insurance Companies		Physicians	practitioner
Library		Osteopaths	"
Liquor Stores		Chiropractors	"
Office Buildings		Parks	1.00
Offices of Attorneys		Photo Lab	.4 per employee
Photographic Studios		Restaurant:	
Police Department		Normal Operation	.04 per seat
Real Estate Offices		24 Hour	.06 per seat
Retail Stores		Schools:	
Savings & Loan		Elementary	.04 per student
Service Station		High	.05 per student
Telephone Exchange		Personnel	.05 per person
Toys & Hobby Stores		Swimming Pools	Upon Application
U.S. Postal Service		Tavern	.04 per seat
Variety Stores		Theater	2.50 per screen

NOTE: a) 1 REC MINIMUM PER BLDG. (Including Commercial & Industrial). Any category of user not listed shall be assigned a REC by the City Engineer. If said applicant disputes such assignment, he may appeal the decision to the Public Utilities Committee within 60 days of said determination.
b) All fractions of RECs shall be established to the next highest .25 REC.
*c) As determined by City Engineer and Public Utilities Committee on 11/16/89 and 12/16/93 per Note a).

d) Exception: In the case of a business property with multiple buildings, the property shall be assessed a minimum of one (1) REC for the main building, and an additional minimum .5 REC for each additional building connected to sewer, if the property meets all of the following criteria:

1. The property may not be able to be divided as determined by the Planning Director.
2. The property must be occupied by the same business for all of the buildings.

Appendix A last updated: April 24, 2002