

TOMAHAWK MUNICIPAL CODE

Chapter 98

Utilities

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Article I. In General

Section 98-1. Separate Utilities.

The waterworks system and sewage disposal system of the city shall be operated as separate utilities.

Section 98-2. Management of Utilities.

The council shall manage the individual utilities as provided in Wisconsin Statute 66.085, however, the council may create a commission under Wisconsin Statute 66.0805, to supervise the utilities under the general control and supervision of the council.

Section 98-3. Rates, Rules, and Regulations.

The rates, rules and regulations of each of the utilities shall be those approved by the council or the appointed commission.

Section 98-4. Compulsory Connection to Sewer and Water.

- (a) To ensure preservation of public health, comfort and safety, the owner or the agent of the owner of any building used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of such systems extend, shall connect therewith after notice as provided in this section.
- (b) When a sewer and water main becomes available to any building used for habitation in the city, the building inspector shall notify, in writing, the owner or his or her agent, to connect the building thereto and to install such facilities as may be reasonably necessary. The manner of connection shall be prescribed by the building inspector.
- (c) The notices required of this chapter shall be given by registered mail addressed to the last known address of the owner or his or her agent.
- (d) If the owner or his or her agent fails to comply, after ten days' notice as provided in this section, the notifying officer may cause connection to be made and the expense thereof assessed as a special tax against the property.
- (e) The owner or his or her agent may within 30 days after the completion of the work, file a written option with the city clerk stating that he or she cannot pay the cost of the connection in one sum and electing that such be levied in five equal annual installments, with interest on the unpaid balance at eight percent per annum.

Sections 98-5 – 98-30. Reserved.

Article II. Commission

Section 98-31. Membership.

The water and sewer utility commission shall consist of five citizens appointed by the mayor subject to confirmation by the common council. The initial water and sewer utility commission members appointed and confirmed at the passage of this amendment shall serve the number of years designated by the mayor and confirmed by the common council. Thereafter, one member shall be appointed annually to serve a term of five years.

Sections 98-32 – 98-60. Reserved.

Article III. Sanitary Sewers

Section 98-61. Sewers.

- (a) Use of public sewers required. The owner of all houses, buildings or other properties used for human occupancy, employment, recreations or other purposes within the city abutting any street, alley or right-of-way in which there is now or may be located in the future a public sanitary sewer of the city, is hereby required at his/her expense to install suitable sanitary facilities therein and to connect the facilities directly with the public sewer in accordance with applicable state and local codes.
- (b) Pursuant to Wis. Stat. §61.36 and §61.39, the city may lay out, construct, extend and otherwise provide for sanitary and storm sewers for the city.
- (c) Special assessments made pursuant to this code and the pertained statutes shall be in accordance with Wisconsin Statute.

Section 98-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Act Amendment of 1972, (Public Law 92-500) and Clean Water Act of 1977 (Public Law 92-217).

Approving Authority means the city clerk, director of public works, head wastewater operator or the authorized deputy, agent, or representative. Wherein all sewage disposal charges are concerned, the city council of the City of Tomahawk shall be the approving authority.

BOD (Denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD shall be made in accordance with procedures set forth in Standard Methods.

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

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Building Sewer means the extension from the building drain to the public sewer or other place of disposal, also called the lateral.

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

City means the City of Tomahawk.

Combined Sewer means a sewer receiving both surface runoff and sewage.

Compatible Pollutants means biological oxygen demand, suspended solids, phosphorus, PH, or fecal coliform bacterial, plus additional pollutants identified in the WPDES permit for the publicly owned wastewater treatment facility receiving the pollutants, if such works were designed to treat such additional pollutants, and in fact does remove such pollutants to substantial degree.

Director means the director of public works or the authorized deputy, agent or representative.

Easement means an acquired legal right for the specified use of land owned by others.

Excessive is such magnitude that in the judgement of the approving authority, it exceeds the allowable flow normally expected from the source. Continuation of such flow will adversely impact the capability of the system to provide uninterrupted service to other customers.

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. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

Grantee means the city.

Ground Garbage means the residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half-inch in any dimension.

Incompatible pollutants means wastewater with pollutants that will adversely affect or disrupt the quality of wastewater treatment if discharged to a wastewater treatment facility.

Industrial Waste means any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial manufacturing process, trade or business, as distinct from sanitary sewage.

Interceptor sewer means sewers that carry wastewater flows from the collector sewers in the drainage basin to the regional wastewater treatment plant.

Lateral means the extension from the building drain to the public sewer or other place of disposal.

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Major Contributing Industry means an industry that:

- (a) Has flow of 50,000 gallons or more per average workday;
- (b) Has a flow greater than five (5) percent of the flow carried by the municipal system receiving the waste.
- (c) Has a material in its discharge included on a list of toxic pollutants issued under Wis. Stats. §283.21.
- (d) Has a significant impact, either singularly or combination with other contributing industries, on the treatment or the quality of its effluent.

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

Operation and maintenance costs includes all costs associated with the operation and maintenance of the wastewater collection and treatment facilities, as well as the costs associated with periodic equipment replacement necessary for maintaining capacity and performance of wastewater collection and treatment facilities.

Parts per Million means a weight to weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

Person means any and all person, including any individual, partnership, firm, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

pH means the reciprocal of the logarithm of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Natural water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

Public Sewer means any sewer provided by or subject to the jurisdiction of the city. It shall also include sewers within or outside the city boundaries that serve one or more persons and ultimately discharge into the city sanitary or combined sewer system, even though those sewers may not have been constructed with city funds.

Replacement Costs means expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the treatment plant or equipment to maintain the capacity and performance for which they were designed and constructed. Operation costs include replacement costs.

Sanitary Sewage means a combination of liquid and water carried wastes discharged from toilets and/or sanitary plumbing facilities having the following characteristics:

- (a) A BOD of not more than 250 mg/l.
- (b) A suspended solids content of not more than 250 mg/l.
- (c) A phosphorous content of not more than 10 mg/l.

Sanitary Sewer means a sewer that conveys liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

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Sewage means the spent water of a community. The preferred term is “wastewater”.

Sewer means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and ground-water drainage.

Sewerage system means all properties, structures, manholes, pipes, equipment and conduits for the purpose of collecting and transporting wastewater as now exists or hereafter added to, expanded or improved.

Sewer connection shall mean that part of the sewerage system connecting the sewer main and the building lateral of the abutting property.

Sewer service charge is a service charge levied on users of the wastewater collection and treatment facilities for payment of capital-related expenses as well as operation and maintenance costs of said facilities. (User charge, which covers operation and maintenance and replacement costs, is part of the sewer service charge).

Shall is mandatory; *may* is permissible.

Slug means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flows exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

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

Storm Sewer (sometimes termed “storm drain”) means a drain or sewer that carries storm, surface and ground-water drainage but excludes sewage and industrial wastes.

Storm-Water Runoff means that portion of the rainfall that is drained into the sewers.

Suspended Solids means solids that either float to the surface of, or are in suspension in, water, wastewater, or industrial waste, and which are removable by a laboratory filtering as prescribed in Standard Methods of examination of Water and Wastewater” and are referred to as non-filterable residue.

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

User means any person that discharges wastes into the sewerage system.

User charge is a charge levied on users of the wastewater collection and treatment facilities for payment of operation and maintenance of said facilities.

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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 residences, commercial buildings, industrial plants and institutions together with any groundwater, storm and surface waters that are not admitted intentionally.

Wastewater collection and treatment 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 facility shall mean the city's devices and structures for treating wastewater, industrial wastes and sludge.

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

Wisconsin pollutant discharge elimination system (WPDES) permit is a document issued by the state of Wisconsin, Department of Natural Resources which established effluent limitations and monitoring requirements for the city's wastewater treatment facility. The WPDES permit and modifications thereof pertain to the city's wastewater treatment facility.

Section 98-63. Building Sewer Connections

- (a) Building Sewer Connection. No unauthorized person shall uncover, make any connection or opening into, alter or disturb any public sewer or appurtenance without first obtaining a permit from the appropriate city official. The owner or agent shall make application on a special permit provided by the city. The permit shall be supplemented by any plans, specifications or special information considered pertinent by the city. Permit fees shall be determined by separate city ordinance.
- (b) A separate and independent building sewer shall be provided for every building.
- (c) Existing building sewers may be used in conjunction with new structures only when they are found to conform to the requirements of this section.
- (d) The size, slope alignment, materials of construction of a building sewer and the method to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall conform with the requirements of the plumbing code or other applicable rules and regulation of the city.
- (e) Roof leaders, subsurface drains, groundwater drains, foundation footing drains and other clear water drains shall be constructed and maintained, insofar as is practical, in such a fashion as to prevent clear water intrusion into the sanitary sewer system.
- (f) All sources of clear water entry into the sanitary system existing at the time of the adoption of this section shall be illegal.
- (g) If storm water or clear water is being discharged into the sanitary system, either intentionally or as a cause of system degeneration, the city shall give the offending person 15 days' notice to disconnect or to make sufficient repairs so as to eliminate the source of the clear water intrusion. Failure to disconnect or to make such repairs shall authorize the city to cause disconnection or to make needed repairs and to assess the costs of such work against the property involved.

Section 98-64. New Construction Inspection.

No connection with any sewer main or any part thereof shall be covered until the same has been inspected by the building inspector or some other person authorized to make such inspection by the City Council. Before any such connection shall be covered, the person making the inspection on behalf of the city shall endorse the approval of the same upon the permit. No connection shall be made to any sewer main except through a "Y" branch unless especially authorized by the plumbing inspector. All connections shall be made in a workmanlike manner and to the satisfaction fo the said inspector. Connections to the main sewers shall be 6 inches in diameter, unless otherwise specifically permitted or required by the building inspector.

Section 98-65. System Reconstruction.

The city has undertaken the systematic reconstruction of the public sanitary sewer system lying within the corporate limits. Metering records taken at the downstream end of the city system indicate the presence of an abnormal amount of clear water entry into the sanitary sewer system. The presence of this clear water reduces available capacity to all system users, causes system overloads that may manifest themselves as basement flooding, causes a financial burden on the citizens of city, and is a potential source of severe health hazards. The city recognizes that its public sewer system has a finite life and in many cases has exceeded the useful life of the system. The city also recognizes that private building sewers possess many of the same characteristics as the public systems.

- (a) The city shall inspect all private connections to the public mains at the time of reconstruction of the public systems.
 - 1. Any existing private facility not meeting the requirements of this section shall be considered illegal.
 - 2. Prior to the actual reconstruction, each property owner shall be given written notice of the project. Such notice shall be made no less than 30 days prior to commencement of the actual work.

- (b) As the reconstruction progresses, the city shall inspect each private sewer connection for conformance with this section.
 - 1. In the event that the private system meets the requirements of the section, the city shall reconnect the private system to the public system at an appropriate point near the right of way line.
 - 2. In the event that the private sewer is found not to meet the requirements of this section, the city shall immediately notify the owner of the determined deficiency(ies).

- (c) The owner shall, at the owner's expense, make the necessary repairs to correct the deficiency(ies). In all cases, the city shall supply an appropriate connection point as part of its work. The owner may elect to:
 - 1. Make the repair(s). In doing so, the owner recognizes that ll work must be done in strict conformance with all applicable local and state codes and in such a manner to correct the noted deficiency(ies). All work needed to accomplish the repair shall be don at the expense of the owner.
 - 2. Contract with licensed contractor to complete the repairs. All work needed to accomplish the repair shall be done at the expense of the owner.

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3. Have city contractors, if available, complete the repairs. The city agrees, as part of any project, to request unit prices that will allow for the calculation of the cost of making the appropriate repair to the private building sewer.
 - i. Should the owner select this option, the owner will be charged the entire cost of making the repairs.
 - ii. The owner may elect to pay the entire amount upon completion of the work, or the owner may request that he be billed in the form of a special assessment on the owner's tax bill according section XXX of this code.

Section 98-66. System Requirements.

- (a) All sanitary sewer mains and lateral, both public and private, shall be constructed and maintained in such a fashion that the effects of clear water on the system are held to an absolute minimum.
- (b) All work, construction technique, and materials incorporated into the project shall be strict conformance with state and local codes and the Standard Specifications for Sewer and Water Construction in Wisconsin, latest edition.
 1. Permitted materials. Permitted materials are those specified in the Technical Guidance Manual of the 2000 Wastewater Agreement.
 2. Defects requiring repair
 - i. Any visible leak.
 - ii. Open, improperly formed, or root intruded joints.
 - iii. Improper materials such as clay, soil or orangeburg pipe.
 - iv. Improper connections such as palmer valve.

Section 98-67. Use of the Public Sewers.

- (a) No person shall cause to be discharged any storm-water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water or unpolluted water into any sanitary sewer except with permission from the Approving Authority.
- (b) *Storm Sewers.* Storm-water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the approving authority. Industrial cooling water or unpolluted process waters may be discharged, on approval of the approving authority, to a storm sewer or natural outlet. Such approval is subject to review by the state department of natural resources, division of environmental protection.
- (c) *Discharges.* No person shall discharge any waste or other substance directly into a manhole, catch basin or inlet. All discharge to the sewer shall be through and approved sewer connection.
- (d) *Prohibitions and Limitations.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the wastewater treatment plant.

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3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater treatment plant.
4. Any waters or wastes having a pH in excess of 9.5.
5. Solid or vicious 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 sewage works 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, disposable wipes, entrails and paper dishes, cups, milk containers, etc. either whole or ground garbage grinders. Suspended solids concentration shall be limited to 250 mg/l per 24-hour composite.
6. The following described substances, materials, waters or wastes shall be limited to discharge to municipal sanitary sewer systems to concertation or quantities which will not harm either the sewers, sewage treatment plant or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, property or constitute a nuisance.
 - i. The Approving Authority may set limitations lower than the limitations established in this chapter if, in the director's opinion, such more severe limitations are necessary to meet the above objections.
 - ii. In forming his/her opinion as to the acceptability, the Approving Authority will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sanitary sewers, the wastewater treatment process employed, capacity of the waste in the wastewater treatment facility and to the pertinent factors.
 - iii. The limitations or restrictions on the material or characteristic of waste or wastewaters discharged to the sanitary sewer shall not be varied without approval of the Approving Authority as follows:
 - b. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (60 degrees Celsius).
 - c. Any water or waste containing fats, wax, grease, or oils, petroleum origin, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees.
 - d. Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the approving authority. A permit shall be obtained from the city clerk prior to the installation of such commercial garbage grinder unit. The fee for such permit shall be \$2.00.
 - e. Any waters or wastes containing iron, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree any such material discharged in the composite sewage to the sewer exceeds limits established by the approving authority for such materials.
 - f. Any waters or wastes discharged to the sewer containing over 0.1 mg/l hexavalent chromium per 24-hour composite.
 - g. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the approving authority as necessary after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
 - h. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the approving authority in compliance with state or federal regulations.

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- i. Any 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 city wastewater plant effluent cannot meet the requirements of the agencies having jurisdiction over discharge to the receiving waters.
 - j. Any water or waste which, by interaction with other water or wastes in the public system, releases obnoxious gases, form suspended solids which interfere with the collection system to create a condition deleterious to structures and treatment processes.
 - k. Materials with exert or cause:
 - i. BOD of over 300 mg/l per 24-hour composite, and chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment plant.
 - ii. Unusual volume of flow or concentration of wastes constituting slugs.
 - iii. Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium sulfate.
 - iv. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - v. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the state department of natural resources, division of environmental protection.
 - vi. An adverse effect on either the wastewater treatment plant operation or on plant processes.
 - l. Where preliminary treatment of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the person at his expense.
 - m. The accidental discharge of any prohibited waste into any sewer shall be reported to the city and the Approving Authority by the person responsible for the discharge or by the owner or occupant of the premises where the discharge occurs, immediately upon obtaining knowledge of the fact of such discharge so that steps may be taken to minimize its effect on the sewerage system. Notification of such discharge will not relieve the person of liabilities for any expense, loss or damage to the system or any fines imposed by the city on account thereof.
 - i. The City shall comply with all the requirements of the city's WPDES permit and all modification thereof.
 - ii. No discharge shall be allowed into the sanitary sewerage system that is in violation of the requirements of the WPDES permit and the modifications thereof.
- (e) *Special Arrangements.* No statement contained in this article shall prohibit any special agreement between the city any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment, provided there is no impairment of the functioning of the wastewater collection and treatment facilities by reason of the admission of such wastes, and no extra costs are incurred by the city without recompense by the person, provided set forth in this ordinance, are recognized and adhered to.
- (f) *New Connections.* New connection to the city's sanitary sewer system will be allowed only if there is available capacity in all the downstream wastewater collection and treatment facilities.
- (g) *Compliance.* The Approving Authority must be notified within five (5) days of any problem of any permission granted and approvals given to persons of special arrangements made to the sewer users, or changes in effluent limitations or of other actions taken by the Approving Authority.

Section 98-63. Control of Industrial Wastes Directed to Public Sewers.

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(a) *Approval Required.* Review and acceptance of the approving authority shall be obtained prior to the discharge into the public sewers of any waters or wastes having:

- (1) A BOD greater than 250 mg/l.
- (2) A suspended solids concentration greater than 250 mg/l.
- (3) A chlorine requirement greater than 25 mg/l.

(b) *Submission of Basic Data.* Each person who discharges Category B industrial waste to a public sewer, shall prepare and file with the Approving Authority a report that shall include pertinent data relating to the quantity and characteristics of the wastes discharged to the wastewater collection and treatment facilities. This data should be subsequently provided annually at a time specified by the approving authority.

- (1) The following forms or the information needed to complete them will be accepted:
 - i. Annual NR 101 "Effluent Reporting Form"
 - ii. Form 3400-28 "Industrial Waste Contribution to Municipal System"

(2) Similarly, each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall be prepared and file with the Approving Authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

(3) The above is required to comply with the City's Wisconsin Pollutant Discharge Elimination Permit.

(c) *Extension of Time.* When it can be demonstrated that circumstances exist which would create an unreasonable burden on the person to comply with the time schedule imposed by subsection (b) of this section, a request for extension of time may be presented for consideration of the approving authority.

(d) *Industrial Discharges.* If any waters or wastes are discharged or proposed to be discharged to the public sewers, which waters or wastes contain substances or possess the characteristic enumerated in section 98-67(d), and have adverse effect upon the sewer works, processes, equipment or receiving waters or which otherwise create a hazard to the life, health or constitute a public nuisance, the Approving Authority may:

- (1) Reject the wastes
- (2) Require pretreatment to an acceptable condition for the discharge to the public sewers.
- (3) Require control over the quantities and rates of discharge and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 98-67(e)

(e) *Control Manholes.* Each person discharging industrial wastes into a public sewer shall construct and maintain one or more control manholes or access points to facilitate observation, measurement and sampling of his or her wastes, including domestic sewage.

- (1) Control manholes or access facilities shall be located and built in a manner acceptable to the approving authority. If measuring devices are to be permanently installed they shall be of a type acceptable to the approving authority.
- (2) Control manholes, access facilities and related equipment shall be installed by the person discharging the waste, at his or her expense, and shall be maintained by him or her so as to be in safe condition, accessible and in proper operating condition at all times.
- (3) Plans for installation of the control manholes or access facilities and related equipment shall be approved by the approving authority prior to the beginning of construction.

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(4) An approved sketch shall be provided to the Approving Authority for his records showing the location of all control manholes

- i. Manholes shall be located from both street lines and building lines
- ii. The sketch shall show the roadways and access point to the control manholes and not entry limitations, if any, and the telephone number and person to contact from entrance when necessary and any other data considered pertinent by the Approving Authority.
- iii. Ample space shall be provided around the control manholes and shall be maintained free and clear by the owner at all times.

(f) *Measurement of Flow.* The volume of flow used for computing industrial waste surcharges shall be the metered water consumption of the person as shown in the records of meter readings maintained by the city water department except as noted in item (h) below.

(g) *Metering of Waste.* Devices for measuring the volume of waste discharged may be required by the approving authority if this volume cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation such meters may not be removed without the consent of the approving authority.

(h) *Provision for Deductions.* If a person discharging industrial waste into the public sewers produces evidence satisfactory to the approving authority that more than ten percent of the total annual volume of water used for all purposes does not reach the public sewer, the determination of the water consumption to be used in computing the waste volume discharged into the public sewer may be made a matter of agreement between the approving authority and the person.

(i) *Waste Sampling.* Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determinations shall be made as often as may be deemed necessary by the approving authority.

(1) Samples shall be collected in such a manner as to be representative of the composition of the wastes.

(2) The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the approving authority.

(3) Installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the waste and shall be subject to the approval of the approving authority. Access to sampling locations shall be granted to the approving authority or its duly authorized representatives at all times.

(4) Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(j) *Analyses.* All measurements, test, and analysis of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest editions of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Associations, and with the Federal Regulations 40 CFR 136 "Guidelines Establishing Test Procedures for Analysis of Pollutants". Sampling methods, location, time, duration and frequencies are to be determined on an individual basis subject to approval by the Approving Authority.

(1) Determination of the character and concentration of the industrial wastes shall be made by the person discharging them, or his or her agent, as designated and required by the approving authority.

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(2) The city may also make its own analyses on the wastes and these determinations shall be binding as a basis for charges.

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

(l) *Grease and/or Sand Interceptors.* Grease, oil and sand interceptors shall be provided as required by the state plumbing code (H62.11 and amendments) when they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units.

(1) All interceptor shall be of a type and capacity approved by the building inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(2) In the maintaining of these inceptor, 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 shall be subject to review by the Approving Authority.

(3) Disposal of the collected materials performed by owner(s) personnel or currently licensed waste disposal firm or agent must be in accordance with currently acceptable DNR practices.

(m) *Submission of Information.* Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for review of the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

Section 98-64. Basis for Sewer Service Charges.

(a) *Sewer Users Served by Water Utility Water Meters.* There is hereby levied and assessed upon each lot, parcel of land, building or premises having a connection with the wastewater system and being served with water solely by the water utility, a sewer usage charge based on the volume used, as measured by the water utility water meter used upon the premises. In addition, a minimum quarterly service charge will be assessed each sewer user to cover administrative costs.

(b) *Sewer Users Served by Private Wells.* If any person discharging sewage into public sanitary sewer system procures any part or all of his/her water from sources other than the water utility, all or part of which is discharged into the public sanitary sewer system, the person shall.

Section 98-65. Amount of Sewer Service Charges.

(a) Domestic Sewage Customers (BOD<250 mg/l, TSS<250 mg/l, P<12mg/l)

Quarterly Facilities Charge:

Meter Size	Rate
5/8"	46.29
3/4"	46.29
1"	68.34
1 1/4"	84.22
1 1/2"	103.62

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2"	145.50
3"	244.71
4"	409.89
6"	881.84

Volume Charge:
\$6.92 per volume charge per hundred cubic foot

(b) Flat Rate for Unmetered Customers
Quarterly Charge \$172.83

(c) Non-Domestic Sewage Customers (BOD>250 mg/l, TSS>250 mg/l, or P>12 mg/l)

Quarterly Facilities Charge: same as domestic sewage customers
Volume Charge: same as domestic sewage customers

Surcharge per lb. over domestic strength sewage:

B.O.D. (\$/lb.)	\$61.80
T.S.S. (\$/lb.)	\$0.539
Phosphorus (\$/lb.)	\$5.18

(d) Tank Truck Haulers
Fixed charge per load for Admin/Testing: \$6.30

Volume Charges:
Holding tank waste (\$/1,000 gallons): \$13.73
Septic tank waste (\$/1,000 gallons): \$120.37

(e) Credit for water not discharged to sewer (sprinkle credit)
A sprinkle credit will be given to residential customers (up to and including 3-family units) during the summer quarters billings. Here, the summer quarters sewer bills shall be based on the winter quarter billing period, unless consumption during the winter quarter was greater than the summer quarters.

Section 98-66. Right; Safety and Identification.

(a) *Right of Entry.* The Approving Authority or duly authorized employee of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, testing, all in accordance with the provisions of this article and Wisconsin Statute § 196.171. The Approving Authority or duly authorized employee of the city shall have no authority to inquire into any process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastewater treatment.

(b) *Safety.* While performing the necessary work on private premises referred to in subsection (a) of this section, the duly authorized city employees shall observe all safety rules applicable to the premises established by the company and they city shall indemnify the company against loss or damage to its property by personal injury or property damage asserted against the company and growing out of gauging and sampling operations, and indemnify the company against loss, or damage to its property by city

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employees; except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 98-63(e).

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

Section 98-65. Sewer Construction.

(a) *Work Authorized.* No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the approving authority.

(b) *Cost of Sewer Connection.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(d) *Materials and Methods of Construction.* 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 or other applicable rules and regulations of the city. 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, Number 9, shall apply.

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

(f) *Storm and Groundwater Drains.* No person 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 the public sanitary sewer.

a. No person shall make connection of a lateral subject to the inflow or infiltration of storm water to public sanitary sewer.

i. All such connections, including lateral subject to the inflow or infiltration of storm water, existing at the time of packet of this code shall thereafter be illegal.

ii. If storm water or clean water is being discharged into a sanitary sewer, the Approving Authority shall give the offending person thirty (30) days' notice to disconnect.

iii. Failure to disconnect after such notice shall authorize the Approving Authority to cause disconnection and assessment to the costs of such disconnection against the property involved.

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b. The Approving Authority may, in the alternative, institute legal action for violation of this subsection.

c. One 90 day extension may be granted to the person by the approving authority if the disconnection cannot be made due to inclement weather or due to conditions beyond the person's control.

(g) *Conformance to Plumbing Code.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice, Number 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the approving authority before installation.

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

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

Section 98-66. Damage or Tampering with Sewage Works.

Willful Neglect or Malicious Damage. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater collection facilities. Any person violating this provision shall be subject to prosecution under Wisconsin State Statutes.

Section 98-67. Violations and Penalties.

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

(b) *Continued Violations.* Any person who shall continue any violation beyond the notice time limit provided shall, upon conviction thereof, forfeit not more than \$200.00 together with the costs of prosecution. In default of payment of such forfeiture and costs, the violator shall be imprisoned in the county jail for not to exceed 30 days. Each day in which any violation is continued beyond the notice time limit shall be deemed a separate offense.

(c) *Accidental Discharge.* Any person found to be responsible for accidentally allowing a deleterious discharge into the sewer system that causes damage to the treatment facility and/or receiving body of water shall pay the amount to cover damages, established by the Approving Authority.

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

(e) *Compliance.* If any violation or accidental discharge affect the City wastewater collection and treatment facilities the City may penalize the violator according to the City's sewer use code.

Section 98-68. Appeals.

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

(1) The Approving Authority shall render a decision on the request for reconsideration to the user, permit applicant or permit holder in writing within fifteen (15) calendar days of receipt of request.

(2) If the ruling on the request for reconsideration made by the Approving Authority is unsatisfactory, the person requesting reconsideration may, within ten (10) calendar days after notification of the action, file a written appeal with the Water and Sewer Utility Commission.

Section 98-69. Amendment

The City reserves the right to amend this ordinance in part or in whole whenever it may deem necessary, but such right will be exercised only after due notice to all persons concerned and property hearing on the proposed amendment.

Section 98-70. Public Utility Exemption.

Nothing contained in this chapter shall prevent any public service corporation or any contractor engaged by the City for the purpose of laying mains, conduits, water pipes or sewers from operating under a contract or other permit.

Section 98-71. Penalty.

In addition to penalties which may be expressed in various section of this chapter, the penalty for violation of any provisions of this chapter shall be provide in section 1-14 of this code.

Sections 98-72 – 98-100. Reserved.

Article IV. Water

Division 1. Generally

Sections 98-101 – 98-120. Reserved.

Division 2. Well Abandonment and Well Operation Permit

Section 98-121. Purpose.

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

Section 98-122. Applicability.

This article applies to all wells located on premises served by the municipal water system. Communities outside the jurisdiction of a supplying municipal system are also required by code, contract agreement, or utility rule to adopt and enforce equivalent ordinance within their jurisdictions for purpose stated in Section 98-121 above.

Section 98-123. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Communities served means any jurisdiction having customers supplied by a municipal water system as retail or wholesale customers, including those outside the jurisdiction of the supplying system.

Municipal Water System means a community water system owned by a city, village, county, town, town sanitary district, public inland lake and rehabilitation district, municipal water district or a federal, state, county or municipal owned institution for congregate care or correction, or a privately owned water utility serving the forgoing.

Non-Complying means a well or pump installation which does not comply with the provisions of Wisconsin Administrative Code, NR, 812.42, Standards for Existing Installations, and which has not been granted a variance pursuant to Wisconsin Administrative Code, NR, 812.43.

Pump Installation 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.

Served by means any property having a water supply pipe extending onto which is connected to the municipal water system.

Unsafe means a well or pump installation which produces water which is bacteriologically contaminated or contaminated with substances in exceedance of the standards of Wisconsin Administrative Code, NR, Chapters 140 or 809, or for which a Health Advisory has been issued by the Department of Natural Resources.

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

Well means a dillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface constructed by the purpose of obtaining groundwater.

Well Abandonment means the filling and sealing or decommissioning of a well according to the provisions of Wisconsin Administrative Code, NR, Chapter 812.26.

Section 98-124. Well Abandonment Required.

All wells located on premises served by the municipal water system shall be abandoned in accordance with the terms of Section 98-126 of this article, by January 1, 1992, or no later than one year from the date of connection to the municipal water system, or discovery or construction of a well, unless a valid well operation permit has been issued to the well owner by the City under the terms of Section 98-125.

Section 98-125. Well Operation Permit.

Owners of wells on premises served by the municipal water system shall make application for a well operation permit for each well no later than 1 year after connection to the municipal water system or date of discovery or construction of a well. The City shall grant a permit to a well owner to operate a well for a period not to exceed 5 years providing all conditions of this section are met. A well operation permit may be renewed by submitting an application verifying that the conditions of this section are met. The City or its agent, may conduct inspections and water quality tests or require inspections and water quality tests to be conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Permit applications and renewals shall be made on forms provided by the Clerk. All initial and renewal applications must be accompanied by a fee equal to current rate to hook into the system.

The following conditions must be met for issuance or renewal of a well operation permit:

- (1) The well and pump installation shall comply with the *Standards for Existing Installations* described in the Wisconsin Administrative Code, NR, Chapter 812.42 or repaired and comply with current standards. Compliance shall be verified by inspection for initial issuance of a permit and every 10 years thereafter. Inspections shall be conducted by a Wisconsin licensed well driller or pump installer and documentation on inspection report form DNR #3300-221, be submitted to the Clerk.
- (2) The well construction and pump installation shall have a history of producing safe water as evidenced by a certified lab report for at least 1 coliform bacteria sample collected within the prior 30 days, and submitted to the Clerk. In areas where the Department of Natural Resources (DNR) has determined that ground water aquifers are contaminated with substances other than bacteria, additional chemical tests may be required to document the safety of the water.
- (3) There are no cross connections or interconnection between the well's pump installation or distribution piping and the municipal water system unless approved by the utility and DNR.
- (4) The proposed use of the well and pump installation can be justified as being necessary in addition to water provided by the municipal water system.

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- (5) The private well shall have a functional plumbing system or other complying means of withdrawing water.
- (6) The proposed use of the private well shall be justified as responsible in addition to water provided by the municipal water system.

Section 98-126. Abandonment Procedures

- (1) All wells abandoned under the jurisdiction of this ordinance shall be filled-and-sealed according to the procedures of Wisconsin Administrative Code, NR, Chapter 812.26.
- (2) All well filling-and-sealing under jurisdiction of this ordinance shall be performed by or under the supervision of a Certified Water Operator employed by the City of Tomahawk or by a Wisconsin licensed Well Driller or Pump Installer per Wisconsin Statute 280.30.
- (3) The owner of the well, or the owner's agent, shall notify the clerk at least 48 hours prior to commencement of any well abandonment activities. The abandonment of the well shall be observed by the personnel of the City of Tomahawk.
- (4) A well filling-and-sealing report form DNR#3300-005, supplied by the Department of Natural Resources, shall be submitted by the well owner to the Clerk and Department of Natural resources within 30 days of the completion of the well abandonment.

Section 98-127. Penalties.

Any well owner violating any provision of this ordinance shall upon conviction be punished as provided in Section 1-14. Each day of violation is a separate offense. If any person fails to comply with this ordinance for more than 30 days after receiving written notice of the violation, the City may impose a penalty and cause the well abandonment to be performed and the expense to be assessed as a special tax against the property.

Section 98-128 – 98-135. Reserved.

Division 2. Cross Connection Control

Section 98-136. Definitions.

Cross connection means any physical connection or arrangement between two otherwise separate systems, one of which contains potable water for the City of Tomahawk's public water system, and the other of which contains water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems.

Section 98-137. Unprotected Cross Connection Prohibited.

No person, firm or corporation may establish or maintain, or permit to be established or maintained, any unprotected cross connection. Cross connections shall be protected as required in Chapter SPS 382, Wisconsin Administrative Code.

Section 98-138. Inspection.

The water utility may inspect, or arrange for an inspection of, property served by the public water system for cross connections. As an alternative, the water utility may require a person, firm or corporation who owns, leases, or occupies property to have their plumbing inspected, at their own expense by a State of Wisconsin Certified Cross Connection Inspector/Surveyor. The frequency of inspections shall be established by the water utility in accordance with the Wisconsin Administrative Code. Any unprotected cross connections identified by the inspection shall be promptly corrected. Failure to promptly correct any unprotected cross connection shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Section 98-141 of this Division.

Section 98-139. Right of Entry.

Upon presentation of credentials, a representative of the water utility shall have the right to request entry, at any reasonable time, to a property served by a connection to the public water system for the purpose of inspecting the property for cross connections. Refusing entry to such utility representative shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Section 98-141 of this Division. If entry is refused, a special inspection warrant under Section 66.0119 of Wisconsin Statutes may be obtained.

Section 98-140. Provision of Requested Information.

The water utility may request an owner, lessee, or occupant of property served by a connection to the public water system to furnish the water utility with pertinent information regarding the piping systems on the property. Refusing to provide requested information shall be sufficient cause for the water utility to discontinue water service to the property, as provided under Section 98-141 of this Division.

Section 98-141. Discontinuation of Water for Violation.

The water utility may discontinue water service to any property wherein any unprotected connection in violation of this division exists, and take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service may be discontinued, however, only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 98-142 of this Division. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

Section 98-142. Emergency Discontinuance.

If it is determined by the water utility that an unprotected cross connection or emergency endangers public health, safety or welfare, and requires immediate action, and if a written finding of that effect is filed with the City Clerk and delivered to the customer's premises, water service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten (10) days of such emergency discontinuance. Water service to such property shall not be restored until the unprotected cross connection has been eliminated.

Section 98-143-155. Reserved.