

Title 13

WATER, SEWERAGE AND ELECTRIC

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Chapter 13.04

RATES AND SEWER

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13.04.010 Necessity for System. It is hereby determined and declared to be necessary and conducive for the protection of the health, safety and welfare of the public to levy and collect charges for rentals upon all lots, lands, and premises serviced or benefited by the sanitary sewerage system, which shall include all constructions, for the collection, transportation, pumping, treatment and final disposition of sewage. (1960 Code, Sec. 7.02(1))

13.04.020 Management, Operation and Control of System. The management, operation, and control of the sewer system for the City of Whitehall is vested in the Common Council of said City; all records, minutes and all written proceedings thereof shall be kept by the Clerk of the City; The Treasurer of the City shall keep all the financial records. The Sewer Utility of the City of Whitehall shall have the power to construct sewer lines for public use, and shall have the power to lay sewer pipes in and through the alleys, streets, and public grounds of the City; and generally to do all such work as may be found necessary or convenient in the management of the sewer system. The Common Council shall have power by themselves, their officers, agents and employees, to enter upon any land for the purpose of making this Ordinance without liability therefore; and the Common Council shall have power to purchase and acquire for the utility all real and personal property which may be necessary for construction of the sewer system, or for any repair, remodeling, or additions thereto.

13.04.030 Condemnation of Real Estate. Whenever any real estate or any easement therein, or use thereof, shall in the judgment of the Common Council be necessary to the sewer system; and whenever, for any cause, an agreement for the purchase thereof, cannot be made with the owner thereof, the Common Council shall proceed with all necessary steps to take such real estate, easement or use by condemnation in accordance with Wisconsin Statutes and the Uniform Relocation and Real Property Acquisition Statutes and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if federal funds are used.

13.04.040 Title to Real Estate and Property. All property, real, personal and mixed, acquired for the construction of the sewer system, and all plans, specifications, diagrams, papers, books and records connected therewith said sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the Sewer Utility of the City of Whitehall.

13.04.050 Definitions. The following definitions are applicable to this Ordinance:

- a) Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees centigrade, expressed as milligrams per liter and/or pounds. Quantitative determination of BOD shall be made in accordance with procedures set forth in "Standard Methods."
- b) Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.
- c) Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal beginning outside the inner face of the building wall.
- d) Garbage shall mean the residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
- e) Industrial Waste shall mean the wastewater from industrial process, trade or business, as distinct from sanitary sewage, including cooling water and the discharge from sewage pretreatment facilities.

- f) Person shall mean any and all persons, including any individual, firm, company, partnership, municipal or enterprise, governmental agency, or other entity.
- g) PH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of the hydrogen ions, in grams per liter of solution. Neutral water, for example, has a ph value of 7 and hydrogen-ion concentration of 10⁻⁷.
- h) Sanitary Sewer shall mean a sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.
- i) Sewage shall mean liquids and water carried wastes created in and conducted away from residences, industrial establishments, commercial buildings and institutions with such surface or ground water as may be present, excluding, however, Industrial Wastes as hereinbefore defined.
- j) Sewage System shall mean all structures, conduits and pipe lines by which sewage is collected and disposed of, except plumbing inside and in connection with buildings served and service pipes from building to street main.
- k) Shock (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 of duration longer than 15 minutes more than five (5) times the average 24 hour concentration of flows during normal operation and shall adversely affect the system and/or performance of the waste treatment plant.
- l) Standard Methods shall mean 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, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
- m) Storm Drain (Storm Sewer) shall mean a drain or sewer for conveying water, ground water, subsurface water or unpolluted water from any source.
- n) Suspended Solids shall mean solids that either float on the surface of, or are in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for Examination of Water and Wastewater" and is referred to as nonfilterable residue.
- o) Units of Service shall consist of any residential, commercial, industrial or charitable aggregation of space or area occupied for a distinct purpose such as a residence, apartment, flat, store, office, industrial plant, church or school. Each unit of service shall be regarded as one consumer. Suites in houses or apartments with complete housekeeping functions (such as cooking) shall be classed as apartment houses; thus houses and apartments having suites of one, two or more rooms with toilet facilities, but without kitchen for cooking, are classed as rooming houses.
- p) User shall mean the owner or occupant of any lot, parcel of land, building or premises discharging sewage, industrial wastes, water or other liquids into the sewage system.
- q) 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 ground water, surface water and storm water that may be present, but not intentionally admitted.
- r) Wastewater Treatment Plant shall mean an arrangement of devices and structures for treating wastewater, industrial wastes and sewage. Sometimes used as synonymous with waste treatment.
- s) Watercourse shall mean a natural or artificial channel for the passage of water, either continuously or intermittently.
- t) Wisconsin Pollutant Discharge Elimination System (WPDES) Permit is a document issued by the Wisconsin State Department of Natural Resources which establishes effluent limitations and monitoring requirements for the municipal wastewater treatment facility.

13.04.060 Determination of Rates. For the purposes as provided herein, there is levied and assessed upon each lot, parcel of land, building, or premises situated within the corporate limits of the City of Whitehall, Wisconsin, and having any sewer connection with the sanitary sewerage system of the said City, or otherwise discharging sewage, industrial waste, water or other liquids either directly or indirectly into the City Sanitary Sewerage System, a sewerage service charge payable as hereinafter provided, and in the amounts determinable as provided, and in the amounts determinable as provided in Section 13.04.070.

13.04.070 Rates for each Month. For any lot, parcel of land, building or premises situated within the corporate limits of the City of Whitehall, Wisconsin, and/or having any connection with the City Sanitary Sewerage System or otherwise discharging directly or indirectly into the City Sanitary Sewerage System, said sewerage service charge shall be based upon the quantity of water used thereon, and such charges shall be assessed and collected every month with the regular water bills, except as referred to in Sections 13.04.100 and 13.04.110 of this Code. Said sewerage service charges shall be commencing on or after January 14, 2010 and thereafter, the sewerage charge shall be 77% of the net water bill for each month. Amended November 29, 2010

13.04.090 Minimum Charge. The minimum charge to be made in Section 13.04.070 shall be \$9.04 per month for users with 5/8 inch water meters. Amended November 29, 2010

13.04.100 Industrial Rates – Non Contributor to Treatment Facility. For Industries which do not make contributions towards the costs of construction of the sewage treatment plant, and whose industrial or other wastes have an average BOD load of 100 pounds BOD per day or more, the sewage rate shall be assessed based on flow, BOD load and phosphorous loading of their sewage. The rate shall be computed as follows:

<u>Average BOD Load of Industry</u>	X	Costs related to maintenance and operation of Sewage Lagoon System, Including debt on Lagoon System
Average BOD Load of Treatment Facility		

PLUS:

<u>Total Flow of Industry</u>	X	Costs related to maintenance and operation of Sewage Plant and lift stations including debt on Sewage Plant and Lift Stations
Total Flow of Treatment Facility		

PLUS:

<u>Average Phosphorous Load of Industry</u>	X	Costs related to operation and maintenance of phosphorous treatment Plant, including debt service on phosphorous treatment plant
Average Phosphorous Load of Treatment Facility		

Amended January 11, 2005.

13.04.110 Surcharge For Over Usage. There shall be a surcharge for any sewage user who exceeds 2,000 pounds per day BOD or 300,000 gallons of sewage flow per day. The surcharge shall be computed monthly and payable quarterly and shall be computed as follows: For BOD: Average excess amount of pounds over 2,000 pounds of BOD accrued per day (times two) and then times \$.25 per pound of excess BOD; For excess flow over 300,000 gallons of sewage per day, the surcharge shall be: Average Excess amount of gallons of flow per day times \$.50 per

thousand gallons over 300,000. This surcharge shall not apply for users which have contracted with the City of Whitehall for sewage treatment, and whose contract has specific surcharge or penalty provisions.

13.04.120 Sewer User Not Water User. In the event a user of the sewerage system either directly or indirectly is not a user of water supplied by the City of Whitehall as a Public Water Utility, or if said user does not obtain all of the water from said Water Utility, the City may install a meter to measure the discharge of sewerage from the user, the cost of said meter to be borne by the user. In such cases, the sewerage service charge shall be in accordance with the rates and classifications of the user set forth in this Ordinance. In the event a meter is not installed to measure the discharge of the sewerage, the customer shall be charged \$23.59 per month. Amended November 29, 2010

13.04.130 Credit Water Not Discharged to Sewer. A credit to the sewerage service charge may be granted in those instances where water which has been metered is not discharged into the sewage system. The Council shall authorize and determine the granting of credits under this provision. (1960 Code, Sec. 7.02(4)(b))

13.04.140 Meter Sewerage Contract. In the event the City shall be special contract with any industry, agree to accept industrial wastes without the same having been first treated, the City may install a meter to measure the discharge of such sewage, the cost of which shall be borne by the industry or user, and the sewerage service charge in such case shall be in accordance with the rates and classifications of the user as set forth in this ordinance. (1960 Code, Sec. 7.02(4)(d))

13.04.150 Meter Impractical Other Measuring. If the user discharges industrial wastes either directly or indirectly into the City Sewage System and the City finds that it is not practical to attempt to measure such wastes by a meter, it may measure such waste in such manner and by such method as it may find practical in the light of the conditions and attendant circumstances of the case, in order to determine the sewerage service charge according to the corresponding rates as provided in this ordinance. (1960 Code, Sec. 7.02(4)(e))

13.04.160 Ready to Serve Charge. The owner of each premises to which sewer service has been provided or made available by the City but not connected to said utility for sewer service, shall pay for the availability thereof a "Ready to Serve Charge" of 70% of the quarterly rate as provided elsewhere in this Section, except no such Ready to Serve Charge shall be made in the case of vacant lots or parcels of land. (1960 Code, Sec. 7.02(4)(f))

13.04.170 Determination of Rates Outside City. Sewerage service charges, including the minimum or fixed Ready to Serve Charges, for customers outside the corporate limits of the City of Whitehall shall be set from time to time by the Common Council taking into consideration the rates charged to customers within the City limits, the cost of capital improvements made by the City of Whitehall to the sewerage system to the benefit of such customer, the City's ability to recover such costs of the capital improvements through the levy of special assessments against the customer's real property served by the sewerage system, according to Section 66.65, Wisconsin Statutes as it is amended from time to time, the benefit of the capital improvements to customers situated within the corporate limits of the City, the amount of the cost of the capital improvements which will be recovered through special assessments levied against real property of customers situated within the corporate limits of the City and such other factors as the Common Council shall determine to be relevant. Adopted September 4, 1990

13.04.180 Street Sanitation. An annual, public benefit charge shall be paid by the City of Whitehall for the services and benefits received by said City in the maintaining of sanitary conditions in the streets and other public places in said City at a rate of \$16,000 per year. Adopted November 13, 1990

13.04.190 Assessment of Service Charges. The sewerage service charges as assessed or levied pursuant to this ordinance shall appear on the bills for water charges and shall be collected by the City in the same place, in the same manner, and at the same time as water bills are collected and paid. (1960 Code, Sec. 7.02(6))

13.04.200 Service Charge Lien. Each sewerage service charge levied by or pursuant to this ordinance is hereby made a lien upon the corresponding lot, land, or premises served by the sanitary sewerage system of the City of Whitehall, and if the same is not paid within the period allotted for such payments, a penalty of 5% shall be added to said charge and the same shall constitute a lien on the property served and be inserted in the City's tax roll as provided in Section 66.069 of the Wisconsin Statutes. (1960 Code, Sec. 7.02(7))

13.04.210 Credit of Service Charge. The amounts received from the collection of the charges authorized by this ordinance shall be credited to the sanitary sewerage account, which shall show all receipts and expenditures of the sewage system. When appropriated by the Common Council, the credits to said account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system, for payment of all or part of the expenses for additions and improvements to said system, and for the payment of principal and interest on bonds or other evidences of indebtedness incurred in connection with said sanitary sewerage system, including additions and improvements thereto. (1960 Code, Sec. 7.02(8))

13.04.220 User Rules and Regulations. The rules, regulations, and sewer rates of the sewer utility of the City of Whitehall set forth herein shall be considered a part of the contract with every user, person, company, or corporation who is connected with the sewer system of the City of Whitehall and every such person company, or corporation by connecting with the sewer system shall be considered as expressing his or their assent to be bound thereby. Whenever any of said rules and regulations or such others as the said City of Whitehall may hereafter adopt, are violated, the service shall be shut off from the building or place of such violation (even though two or more parties are receiving service through the same connection). The service shall not be reestablished except by order of the Common Council, and on payment of all arrears, the expenses and established charges of shutting off and putting on, and such other terms as the Common Council may determine, and a satisfactory understanding with the party that no further cause for complaint shall arise. In case of such violation the said Common Council furthermore may declare any payment made for the service by the party or parties committing such violation, to be forfeited, and the same shall thereupon be forfeited. The right is reserved to the Common Council to change the said rules, regulations and sewer rates from time to time, as they may deem advisable, and to make special rates and contracts in all proper cases.

13.04.230 Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipe fitting work in connection with the sewer system without first receiving a license from the State of Wisconsin.

13.04.240 Users – Application for Service. Every person connecting with the sewer system shall make application to the Sewer Utility.

13.04.250 Users – 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 have proper permission from the Utility Superintendent.

13.04.260 User to Keep in Repair. All users shall keep their own service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewage system.

13.04.270 User Use Only. No user shall allow others or other services to connect to sewage system through his lateral.

13.04.280 User to Permit Inspection. Every user shall permit the Common Council, or their duly authorized agents or employees, 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.

13.04.290 Utility Responsibility. It is expressly stipulated that no claim shall be made against the said sewer utility of the City of Whitehall by reason of the breaking, clogging, stoppage, or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is hereby reserved to 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 district of the said sewer utility, the utility superintendent shall, if practicable, give notice to each and every customer within such affected district of the time when such service will be so shut off.

13.04.300 Excavations. In making excavations in streets, highways or other public properties for laying service pipe or making repairs, the excavations and repairs shall be undertaken in the manner prescribed by Chapter 12.16 of this Code.

13.04.310 Tapping the Mains. No person, except those having special permission from the Common Council, or persons in their service and approved by them, will be permitted, under any circumstances to tap the mains or collections pipes. The utility superintendent shall specify the kind and size of the connection with the pipe. Pipes are always to be tapped on the top-half, and not within six inches (15 cm) of the joint, or within 24 inches (60 cm) of another lateral connection.

13.04.320 Installation of House Laterals. All service pipes (laterals) on private property will be installed in accordance with State of Wisconsin Administrative Code Chapter H-62 "Design, Construction, Installation, Supervision, and Inspection of Plumbing"; specifically, Section H-62.04(4) "Building Sewers". Per Section H-62.04(5), all laterals will be inspected. The Plumbing Inspector and the Utility Superintendent shall inspect the installation upon completion of placement of the pipe and before backfilling.

13.04.330 Septic Tank and Holding Tank Disposal. No person in the business of gathering and disposing of septic tank sludge or holding tank sewage shall transfer such material into any disposal area or sewer manhole located within the City of Whitehall, unless the utility superintendent grants permission. Charges for disposal shall be \$3.00 per 1,000 gallons, or part thereof. Any materials dumped into the sewage system shall be of domestic origin only and the sewage shall comply with the provisions of any all applicable ordinances of the City. There shall not be deposited or drained any gasoline, oil, acid, alkali, grease, rags, waste, volatile or inflammable liquids, or other deleterious substances into any manhole, nor any earth, sand or other solid material shall be allowed into the sewage system.

13.04.340 Maintenance of Services. The Utility shall maintain sewer mains within the limits of the City of Whitehall, including all controls, without expenses to the property owner, except when they are damaged as a result of negligence or carelessness on the part of the property owner, a tenant, or an agent of the owner. All sewer services must be maintained free of defective conditions, by and at the expense of the owner or occupant of the property. When any sewer service is to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service, each building shall be disconnected from such service and a new sewer service shall be installed for each building.

13.04.350 Pretreatment of Wastes. The City shall not be obligated to accept industrial wastes into the sewage system without the same having been first pretreated in such a manner and to such extent as shall be prescribed by the Common Council provided, however, that the City may agree by special contract with any industry to accept industrial waste without the same having been first pretreated. Such contract may provide for a contribution by such industry towards the cost of such additional sewerage disposal plant (waste treatment plant) facilities as are in the judgment of the Common Council necessary by reason of the acceptance of such non-pretreated industrial waste into said system. (1960 Code, Sec. 7.02(3))

13.04.360 Discharge Deleterious Substance. Sewage and industrial wastes discharged into the sewage system shall not contain any substance which is deemed deleterious to the operation of the sewage system. It shall be

unlawful for any person to introduce sewage into the system with any of the following described liquids or solid wastes:

- a) Any storm water, surface water, ground water, roof run-off or surface drainage.
- b) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- c) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feather, tar, plastics, wood, paunch manure or any other solid or sticky substance capable of causing obstruction of the flow in sewers or other interference with the proper operation of the sewage system.
- d) Any water or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constituting a hazard to humans and animals or create any hazard in the receiving treatment facility.
- e) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the waste treatment plant.
- f) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- g) Any garbage that has not been properly shredded.
- h) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
- i) Any water or wastes which may contain more than 100 parts per million by weight of fat, oil, grease, wax or other substance which may solidify or may be viscous at temperatures between 32 and 150 degrees Fahrenheit.
- j) Any water or wastes having ph lower than five (5) or higher than 10 having any corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
- k) Any waters or wastes containing diluted or undiluted salt whey, or similar waste products.
- l) Any waters or wastes containing iron, copper, zinc and similar objection- able or toxic substances; or wastes exerting an excessive chlorine require- ment to such a degree that any such material discharged in the composite sewage to the sewer limits established by the Common Council for such materials.
- m) Any waters or wastes discharged to the sewer containing over 0.1 mg/1 hexavalent chromium per 24 hours composite.
- n) Any radioactive wastes or isotopes.
- o) Materials which exert or cause:
 - 1) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the waste treatment plant.
 - 2) Unusual volume of flow or concentration of wastes constituting shocks (slugs) as defined herein.
 - 3) 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).
 - 4) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - 5) Waters or wastes containing substances, which are not amenable to treatment processes, employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of the Department of Natural Resources Division of Environmental Protection of the State of Wisconsin.

13.04.370 Improper Use of Sewage System. It shall be unlawful for any person to willfully injure the sewer system or any building, machinery, or fixture pertaining thereto, or to willfully and without authority of the Common Council, bore or otherwise cause to leak, any tunnel, aqueduct, reservoir, pipe or other thing used in the system for holding, conveying or collecting sewage.

13.04.380 Penalty for Discharge Deleterious Substance. If any waters or wastes are discharged, or are proposed to be discharged to the sewage system of the City of Whitehall, which contain the substances or possess the characteristics enumerated in Sections 13.04.360 and 13.04.370 of this Code, and which in the judgment of the utility

superintendent may have a deleterious effect upon the sewage works, processes equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Utility may:

- a) Reject the wastes.
- b) Require pretreatment to an acceptable condition for discharge.
- c) Require control over the quantities and rates of discharge.
- d) Require payment to cover the added cost of handling and treating the wastes and to cover repairs and damages to sewage system, not covered by existing sewer charges under the provisions of this ordinance.

13.04.390 Protection of Dike. No person shall enter upon, or travel upon, on foot or by any means of transportation, or tamper with, alter or remove any part of, or in any way deface the dike situated on the south side of the Trempealeau River in the City of Whitehall, extending east and west, on the north side of the former Sewage Disposal Plant. (1960 Code, Sec. 7.03(1))

13.04.400 Vacating of Premises and Discontinuance of Service. Whenever premises served by the system are to be vacated, or whenever any person desires to discontinue service from the system; the system must be notified. The owner of the premises shall be liable for any damages to the property or such damage which may be discovered having occurred to the property of the system other than through the fault of the system or its employees, representatives or agents.

13.04.410 Adoption of Other Rules. There is hereby adopted all the rules and regulations of the State Plumbing and State Building Codes and the building rules of the Department of Industry, Labor and Human Relations; and the Department of Natural Resources of the State of Wisconsin insofar as the same are applicable to the sewage system of the City of Whitehall. All extensions of the system will comply with administrative rules NR 108 and NR 110 of the Department of Natural Resources.

13.04.420 Damage Recovery. The system shall have the right of recovery from all persons, any expense incurred by said system for the repair or replacement of any sewer pipe damaged in any manner by any person by the performance of any work under their control, or by any negligent act.

13.04.430 Penalties. In addition to other penalties or remedies provided in this Chapter, any person who shall violate any of the provisions of this Ordinance or rules or regulations of the City of Whitehall Sewer Utility, shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$1,000.00 and the costs of prosecution for each violation. Each day a violation occurs or continues to occur shall count as a separate violation.

13.04.440 Septic Tanks Prohibited. Effective May 1, 1984, unless specific permission to the contrary is granted by the Common Council, all homes, residences, buildings, businesses, and industries constructed, reconstructed or moved, must connect to the Whitehall sewage system. All homes, residences, buildings, businesses and industries currently connected to the sewage system must remain connected. Septic tanks or any other private disposal systems are prohibited.

Chapter 13.08

COMPULSORY CONNECTION TO SEWER AND WATER

Sections:

13.08.010	When Required
13.08.020	Notice - Contents
13.08.030	Power Health Officer
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13.08.010 When Required. Whenever a sewer or water main becomes available to any building used for human habitation, the Health Officer shall notify the owner or his agent in writing in the manner prescribed by Section 13.08.020. (1960 Code, Sec. 10.04(1))

13.08.020 Notice – Contents. The notice shall be mailed by registered mail to the last known address of the owner or his agent. The notice required by this section shall direct the owner or his agent to connect the building to such main or mains in the manner prescribed by the Health Officer and to install such facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to such human habitation into the sewage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance. (1960 Code, Sec. 10.04(2))

13.08.030 Power Health Officer. If the owner or his agent fails to comply with the notice of the Health Officer within 10 days of service or mailing thereof, the Health Officer may cause connection to be made and the expense thereof shall be assessed as a special tax against the property. (1960 Code, Sec. 10.04(3))

13.08.040 Installment Option. The owner or his agent may, within 30 days after completion of the work, file a written option with the City Clerk stating that he cannot pay the cost of connection in one sum and electing that such sum be levied in five (5) equal annual installments, with interest, from the completion of the work. (1960 Code, Sec. 10.04(4))

13.08.050 Installment – Prohibitions. After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with such human habitation. See Section 13.04.440 of this Code. (1960 Code, Sec. 10.04(5))

Chapter 13.12

REFUSE – TRASH, CAMPFIRES

Sections:

- 13.12.010 Trash Burning Prohibited
- 13.12.015 Campfires – Outdoor Burning Restricted
- 13.12.020 Accumulations of Trash Prohibited

13.12.010 Trash Burning Prohibited. Effective October 1, 1996, no persons shall kindle or cause to be kindled any fire for the purpose of burning or disposing of trash, rubbish, leaves, brush, paper products, etc. in or upon any street, alley, public way, park or any public or private grounds. Persons violating any portion of this ordinance shall be issued a municipal citation, with a fine in the amount of \$50.00 plus Court costs. In addition, persons violating any portion of this ordinance shall be held liable for any damages. (Adopted June 11, 1996)

13.12.015 Campfires – Outdoor Burning Restrictions. Outdoor burning and campfires used exclusively for cooking or recreational purposes are permitted in the City of Whitehall, as restricted by this Ordinance. Outdoor fireplaces, campfires, grills or non-combustible fire rings shall not be used for burning litter, refuse, garbage, leaves, brush, paper, rubbish or any other waste materials. The material to be burned shall be contained within an outdoor fireplace, grill or non-combustible fire ring, and shall be limited to a pile no larger than two feet by two feet by two feet (2' x 2' x 2'). Fires within such an apparatus or ring, outdoor fireplace or grill shall be a minimum safe distance away from any and all structures. All fires and burning within such an apparatus or ring shall be adequately supervised by a responsible person. This ordinance is not for the purpose of regulating or restricting gas or charcoal grills used exclusively for cooking. Persons violating any portion of this ordinance shall be issued a municipal citation, with a fine in the amount of \$50.00 plus Court costs. In addition, persons violating any portion of this ordinance shall be liable for any damages. (Adopted April 13, 2004)

13.12.020 Accumulations of Trash Prohibited. Accumulations of trash, garbage, rubbish, animal or vegetable matter, rotting lumber, scrap metal, junk appliances or parts thereof, junk vehicles and equipment or parts thereof, or any other type of waste materials shall not be allowed on any lot or parcel of land within the corporate limits, except as may be allowed by permit issued by the Common Council, or except such materials be properly housed and out of public view. When the occupant and/or owner of any property is in violation of this ordinance, the City Clerk shall have the authority to order the premises cleaned and placed in order, as specified in the order. If the premises are not cleaned and placed in order within the time specified in the order, the occupant and/or owner of the property of this ordinance, the City Clerk shall have the authority to order the premises cleaned and placed in order, as specified in the order. If the premises are not cleaned and placed in order within the time specified in the order, the occupant and/or owner of the property shall be considered in violation of this ordinance and shall be issued a Wisconsin Uniform Municipal Court Citation with a fine of \$100.00 plus Court costs. In addition, the City shall cause the property to be cleaned, and all costs shall be assessed against the property as a special charge. (Adopted February 8, 2005)

Chapter 13.13

DELIVERY AND DISPOSAL OF SOLID WASTE

Sections:

13.13.010	Purpose
13.13.020	Definitions
13.13.030	Delivery of Acceptable Waste Regulated
13.13.040	Exceptions Authorized
13.13.050	Penalties
13.13.060	Effective Date

13.13.010 Purpose. This ordinance is for the purpose of compliance with paragraph number V.B. 1 of the Solid Waste Disposal Agreement between the City of Whitehall and the county of La Crosse, dated November 11, 1991 (herein called "Agreement").

13.13.020 Definitions. RDF Facility means the resource recovery facility, plus any improvements or additions thereto, used for the weighing and processing of acceptable waste, as defined in the Agreement into refuse derived fuel as an energy source which is operated and maintained by the Northern States Power Company (herein called "NSP") and which is located in La Crosse County, Wisconsin.

13.13.030 Delivery of Acceptable Waste Regulated. All acceptable waste, as defined in the Agreement, generated within the territorial limits of the City of Whitehall shall be delivered to the La Crosse County RDF Facility pursuant to the terms and conditions of the Agreement.

13.13.040 Exceptions Authorized. This ordinance shall not be construed to conflict with the past practices employed by the City of Whitehall in collecting solid waste generated within the City of Whitehall in burning solid waste with a permit as authorized by City Ordinance 13.12.010, provided, however, that nothing herein shall be construed to prohibit any residence or business of the City of Whitehall from delivering acceptable waste, as defined in the Agreement, to the RDF Facility pursuant to the terms and conditions of the Agreement and the applicable ordinances of the City of Whitehall.

13.13.050 Penalties. Any person, firm, organization, corporation or other affiliation that violates this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$200.00 for each violation thereof.

13.13.060 Effective Date. This ordinance shall take full force and effect upon its passage and publication in accordance with Chapter 62 of the Wisconsin Statutes.

Adopted January 14, 1992

Chapter 13.14

LICENSING OF SOLID WASTE DELIVERY AGENTS

Sections:

13.14.010	Purpose
13.14.020	Definitions
13.14.030	License Required
13.14.040	Terms and Conditions of License
13.14.050	Penalties
13.14.060	Effective Date

13.14.010 Purpose. This ordinance is for the purpose of compliance with Paragraphs number V.B.4 and V.B.5 of the Solid Waste Disposal Agreement between the City of Whitehall and the County of La Crosse dated November 11, 1991 (herein called "Agreement").

13.14.020 Definitions.

- a) RDF Facility means the resource recovery facility, plus any improvements or additions thereto, used for the weighing and processing of acceptable waste into refuse derived fuel as an energy source which is operated and maintained by the Northern States Power Company (herein called "NSP") and which is located in La Crosse County, Wisconsin.
- b) Designated Delivery Agent means any person, firm, company or organization, which is licensed and authorized by the City of Whitehall and the County of La Crosse to deliver acceptable waste to the RDF Facility.
- c) Acceptable Waste means all solid waste, garbage, trash, rubbish and refuse generated in the City of Whitehall as more particularly defined in Paragraph number II.1 of the Agreement.

13.14.030 License Required. Each person, firm, company or organization who intends to become a Designated Delivery Agent shall apply for and obtain a license with the City Clerk of the City of Whitehall.

13.14.040 Terms and Conditions of License. The terms and conditions of said license to be a Designated Delivery Agent shall be as set forth in Paragraphs numbered V.B.4 and V.B.5 of the Agreement and, in addition, as follows:

- a) Prior to obtaining a license, the applicant must have obtained a Solid Waste Facility Operation License for Solid Waste Transporting from the State of Wisconsin Department of Natural Resources, and show proof of such license to the City Clerk of the City of Whitehall.
- b) Prior to obtaining a license, the applicant must have obtained a Disposal Permit from the La Crosse County Solid Waste Department, and show proof of such permit to the City Clerk of the City of Whitehall.
- c) The Designated Delivery Agent shall be responsible for the payment of the tipping fee for the RDF Facility at the premises of the RDF Facility in La Crosse, Wisconsin. A failure to pay the tipping fee as required herein shall be grounds for revocation or suspension of the license.

- d) The license shall be effective up to and including the 31st day of December in the year in which the license is granted. All licenses may be renewed for periods of one (1) year during the term of the Agreement upon written application to the City Clerk of the City of Whitehall within 60 days prior to the date of expiration of the license.
- e) The cost of the license to be a Designated Delivery Agent for the City of Whitehall shall be \$25.00 per year.
- f) The City of Whitehall shall require proof of insurance coverage's, and may, in its absolute discretion, require a bond or other evidence of financial responsibility which is acceptable to the City of Whitehall prior to the issuance of any license to a designated delivery agent.
- g) The Designated Delivery Agent shall be solely and exclusively responsible for any and all claims, damages, liabilities, judgments, costs, expenses, damages (including reasonable attorneys fees) that may arise out of the collection, storage, handling or processing of hazardous wastes by said Designated Delivery Agent.
- h) The Designated Delivery Agent shall be responsible for providing to the City Clerk of the City of Whitehall written monthly records of the actual amount (in tons) of acceptable waste it delivers from Whitehall to the RDF Facility in La Crosse, Wisconsin. Said records shall be delivered to the City Clerk of the City of Whitehall by the 15th day of every month following the month of delivery during the term of the license, or any renewal thereof. Repeated or continued violations of this provision shall be grounds for revocation or suspension of the license.
- i) The Designated Delivery Agent shall be responsible for providing to the City Clerk of the City of Whitehall a written projection of the amount (in tons) of acceptable waste it expects to deliver to the RDF Facility in La Crosse, Wisconsin during the next calendar year. Said written projection shall be delivered to the City Clerk of the City of Whitehall no later than the 15th day of September of each year during the term of the license, or any renewal thereof. Repeated or continued violations of these provisions shall be grounds for revocation or suspension of the license.
- j) If the actual amount of acceptable waste delivered by any Designated Delivery Agent in any calendar year during the term of the license, or any renewal term thereof, exceeds 5% of the prior written projection of said Designated Delivery Agent, then said Designated Delivery Agent shall pay proportionately its share of any fines, penalties, extra costs or loss of credit assessed against the City of Whitehall.
- k) The Designated Delivery Agent agrees to be bound by the terms and conditions of this license.

13.14.050 Penalties. Any person, firm, organization, corporation or other affiliation who violates this ordinance shall be subject to a fine of not less than \$25.00 nor more than \$200.00 for each violation thereof, and/or revocation/suspension of the license.

13.14.060 Effective Date. This ordinance shall take full force and effect upon its passage and publication in accordance with Chapter 62 of the Wisconsin Statutes.

Adopted January 14, 1992

Chapter 13.15

AN ORDINANCE REGULATING THE SEPERATION, RECYCLING AND DISPOSAL OF WASTE

Sections:

13.15.010	Purpose
13.15.020	Interpretation
13.15.030	Definitions
13.15.040	Separation of Recyclable Materials
13.15.050	Separation Requirements Exempted
13.15.060	Care of Separated Recyclable Materials
13.15.070	Preparation and Delivery of Recyclable Materials
13.15.080	Multiple Family Dwellings
13.15.090	Non-residential Facilities and Properties
13.15.100	Disposal of Recyclable and Other Materials
13.15.110	City Collection of Non-recyclable Material
13.15.120	Authority to Refuse Acceptance
13.15.130	Placement of Unauthorized Persons
13.15.140	Unauthorized Burning, Burying and Littering
13.15.150	Private Compost Permitted
13.15.160	Severability
13.15.170	Administration
13.15.180	Enforcement

13.15.010 Purpose. The purpose of this ordinance is to require people within the City of Whitehall to separate waste into burnable, non-burnable and recyclable materials; to provide instructions for the proper disposal of waste in order to conserve materials, energy and costs; and to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Section 159.11, Wis. Stats., and Chapter NR 544, Wis. Admin. Code.

13.15.020 Interpretation. The provisions of this ordinance shall be construed to be minimum requirements and shall not be deemed as a limitation or repeal of any other power granted by the Wisconsin Statutes. In the event any term or requirement of this ordinance is found to be inconsistent with or to conflict with any other term or requirement of this ordinance, the less restrictive term or requirement shall control. Where a provision of this ordinance is required by Wisconsin Statute, or by Chapter NR 544, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544, Wis. Admin. Code, in effect on the date of the most recent amendment to this ordinance.

13.15.030 Definitions. For the purpose of this ordinance:

- a) Bi-metal container means a container for carbonated or malt beverage which is made primarily of a combination of steel and aluminum.
- b) City means the City of Whitehall, Trempealeau County, Wisconsin.
- c) City Burn Site or Burn Site means the portion of the City Wastewater Treatment Facility property which has been designated by the Wisconsin Department of Natural Resources as a wood burning

- d) facility pursuant to Section NR 502.11, Wis. Admin. Code, and which is located in the City of Whitehall, Trempealeau County, Wisconsin.
- e) City Compost Site or Compost Site means the portion of the City Waste- water Treatment Facility property which has been designated by the Wisconsin Department of Natural Resources as a solid waste facility for composting yard waste pursuant to Chapter NR 502, Wis. Admin. Code, and which is located in the City of Whitehall, Trempealeau County, Wisconsin.
- f) City Demolition Waste Disposal Area or Demolition Waste Disposal Area means the portion of the landfill designated by the City Common Council's Landfill and Garbage Collection Committee as a site for depositing contaminated demolition waste.
- g) City Impound Area means the designated portion of the property owned by the City which is used to impound vehicles and stray animals and to store vehicles owned by the City and which is located on Ellis Street in the City of Whitehall, Trempealeau County, Wisconsin.
- h) City Metal Storage Area or Metal Storage Area means the portion of the City Impound Area designated by the City Common Council's Landfill and Garbage Collection Committee for the deposit of metal.
- i) City Wastewater Treatment Facility means the facility used to decontaminant wastewater, as that term is defined in Section 144.01(18), Wis. Stats., which operated by the City and which is located on Schansberg Road in the City of Whitehall, Trempealeau County, Wisconsin.
- j) Contaminated Demolition Waste means solid waste resulting from the construction, demolition or razing of buildings, roads and other structures, including, but not limited to concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations, but not including asbestos, waste paints, solvents, sealers, adhesives or other similar materials.
- k) Disposable Waste means all solid waste which is generated within the City, except:
- 1) Recyclable materials
 - 2) Unpainted and untreated wood and brush
 - 3) Inert and contaminated demolition waste
 - 4) Metal and major appliances
 - 5) Waste tires
 - 6) Yard waste
 - 7) Masonry, brick, concrete, stone or other industrial or construction waste not approved for receipt by the RDF Facility
 - 8) Any item of waste exceeding four (4) feet in any one dimension or exceeding 100 pounds in weight
 - 9) Any item of waste that may damage the RDF Facility, or the combustion of which will likely pose a threat to health or safety in violation of any judicial decision or order, or in violation of any action of any federal, state or local government, or any agency thereof, or in violation of any applicable law or regulation.
 - 10) Hazardous waste
Hazardous waste means the following:
 - a) Any waste defined as hazardous in 40 C.F.R. Section 261.3 (1983), or in any successor regulations, or by the U.S. Environmental Protection Agency, or classified as a toxic substance or toxic waste or prohibited for incineration by any local, state or federal agency having jurisdiction over the RDF Facility.
 - b) Radioactive waste or material or hazardous waste regulated under 52 U.S.C. Section 6921-6925 and regulations adopted hereunder, or any other federal, state or local law.
 - c) Hazardous substances defined in 42 U.S.C. Section 6901, et seq., and any regulations promulgated hereunder.
 - d) All wastes requiring special handling to comply with local, state or federal law, including, but not limited to:

- 1) Pathological, infectious or explosive material
 - 2) Oil sludge
 - 3) Cesspool or human waste
 - 4) Animal remains or waste
 - e) Any type of waste that is smoldering, on fire, at its kindling point, or in the process of initiating combustion.
- 11) Inert demolition waste means clean soil, brick, building stone, concrete, reinforced concrete, broken pavement and unpainted or untreated wood.
 - 12) Landfill has the meaning specified in Section 144.43(2w), Wis. Stats.
 - 13) Major appliance means a large mechanical or electrical device which uses a power supply, including a residential or commercial air conditioner, a clothes dryer, a clothes washer, a dishwasher, a freezer, a microwave oven, a conventional oven, a refrigerator, a stove, a residential or commercial furnace, a boiler, a dehumidifier, or a water heater. Major appliance does not include microwave ovens from which the capacitor has been removed.
 - 14) Metal means all products made of metal, except recyclable materials as defined in this ordinance. Metal includes, but is not limited to, refrigerators, stoves, water heaters, tire rims, springs, bicycles, scrap metal and other similar materials.
 - 15) Multiple family dwelling means a property containing five or more residential units, including those units which are occupied only seasonally.
 - 16) Non-residential facilities and properties means commercial, retail, industrial, institutional and governmental facilities and properties. Non-residential facilities and properties does not include multiple family dwellings.
 - 17) Person means any individual, corporation, partnership, association, local government unit, as defined in Section 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
 - 18) Post consumer waste means solid waste, except:
 - a) Solid waste generated in the production of goods.
 - b) Hazardous waste.
 - c) Waste from construction and demolition of structures.
 - d) Scrap automobiles.
 - e) High volume industrial waste, as defined in Section 144.44(7)(a)1., Wis. Stats.
 - 19) RDF Facility or La Crosse County Northern States Power Company Refuse Derived Fuel Processing Facility or La Crosse NSF RDF Facility means the solid waste treatment facility described in Section 159.07(7)(b), Wis. Stats., which is operated and maintained by Northern States Power Company, a Wisconsin corporation, and which is located at 200 S Bainbridge Street, in the City of La Crosse, La Crosse County, Wisconsin.
 - 20) Recyclable Materials means containers constructed with aluminum, glass or steel, and includes bi-metal containers.
 - 21) Recycling Center means a solid waste recycling facility which has filed a certification under Section NR 544.16, Wis. Admin. Code, with the Wisconsin Department of Natural Resources.
 - 22) Solid Waste has the meaning specified in Section 144.01(15), Wis. Stats.
 - 23) Solid Waste Disposal has the meaning specified in Section 144.43(4r), Wis. Stats.
 - 24) Solid Waste Facility has the meaning specified in Section 144.43(5), Wis. Stats.
 - 25) Solid Waste Treatment means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. Treatment includes, but is not limited to, incineration.
 - 26) Unpainted and untreated wood and brush means all brush, branches, small trees, bushes, furniture and other articles made exclusively from unpainted and untreated wood, except yard waste.

- 27) Waste tire means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 28) Yard waste means leaves, grass clippings, yard and garden debris and brush, including clean, woody, vegetative material no greater than six (6) inches in diameter. Yard waste does not include stumps, roots or shrubs with intact root balls.

13.15.040 Separation of Recyclable Materials. Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties shall separate recyclable materials from post consumer waste.

13.15.050 Separation Requirements Exempted. The separation requirements for recyclable materials in Section 4 of this Ordinance do not apply to the following:

- 1) Occupants of single family and two to four unit residences, multiple family dwellings and non-residential facilities and properties who send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources which recovers recyclable material from solid waste in as pure a form as is technically feasible.
- 2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- 3) Recyclable materials for which a variance has been granted by the Wisconsin Department of Natural Resources under Section 159.11(2m), Wis. Stats., or Section NR 544.14, Wis. Admin. Code.

13.15.060 Care of Separated Recyclable Materials. To the greatest extent practicable, recyclable materials shall be clean and free of contaminants, such as food or product residue, oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemicals. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather.

13.15.070 Preparation and Delivery of Recyclable Materials. Before delivering solid waste or recyclable materials or causing solid waste or recyclable materials to be delivered to the Recycling Center, Burn Site, Demolition Waste Disposal Area, Metal Storage Area, or Compost Site, all persons shall prepare the solid waste or recyclable materials in the manner approved by the City Common Council's Landfill and Garbage Collection Committee or in the manner required by law or regulation.

13.15.080 Multiple Family Dwellings. Owners or designated agents of multiple family dwellings shall do all of the following:

- 1) Provide adequate, separate containers for recyclable materials.
- 2) Notify tenants in writing at the time of renting or leasing the dwelling, and at least semi-annually thereafter, about the City's recycling program.
- 3) Provide for the collection of recycling materials from the tenants and for the delivery of recyclable materials to a recycling facility.
- 4) Notify tenants of reasons to reduce and recycle solid waste, which materials are recyclable materials, how to prepare solid waste and recyclable materials to comply with this ordinance, a Recycling Center's location and hours of operation, and a contact person, address and telephone number.
- 5) The requirements of this section do not apply to the owners or designated agents of multiple family dwellings if the post-consumer waste generated within the dwelling is treated at a

processing facility licensed by the Wisconsin Department of Natural Resources which recovers recyclable materials from solid waste in as pure a form as is technically feasible.

13.15.090 Non-Residential Facilities and Properties. Owners or designated agents or non-residential facilities and properties shall do all of the following:

- 1) Provide adequate, separate containers for recyclable materials.
- 2) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the City's recycling program.
- 3) Provide for the collection of recyclable materials from users, tenants and occupants and for the delivery of the recyclable materials to a recycling facility.
- 4) Notify users, tenants and occupants of reasons to reduce and recycle waste, which materials are recyclable materials, how to prepare solid waste and recyclable materials to comply with this Ordinance, Recycling Center's location and hours of operation, and a contact person, address and telephone number.
- 5) The requirements of this section do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources which recovers recyclable materials from solid waste in as pure a form as is technically feasible.

13.15.100 Disposal of Recyclable and Other Materials.

- 1) Solid waste shall be deposited at the locations described in this section. Except as otherwise provided in this Ordinance, no person may dispose of any materials which have been separated for recycling in a facility used for solid waste disposal or burn materials which have been separated for recycling in a facility used for solid waste treatment.
- 2) All persons shall deliver the materials described below or cause the materials described below to be delivered to the locations described below:
 - a) Recyclable materials, to a Recycling Center.
 - b) Unpainted and untreated wood and brush, to the City Burn Site.
 - c) Inert demolition waste, to the City Demolition Waste and Disposal Area.
 - d) Contaminated demolition waste, to a contaminated waste disposal facility approved by the Wisconsin Department of Natural Resources pursuant to Section NR 502.13, Wis. Admin. Code, as amended.
 - e) Metal (other than recyclable materials) and major appliances, to the City Metal Storage Area.
 - f) Yard waste, to the City Compost Site.
 - g) Waste tires, to the RDF Facility or to the Landfill.

13.15.110 City Collection of Non-recyclable Material.

- 1) City shall cause disposable waste to be collected at the curbside as provided herein.
- 2) When placed for collection, all disposable waste shall be placed in City approved garbage bags which shall be securely tied shut.
- 3) All bags placed for collection shall be placed on the curb no more than 24 hours prior to the designated time for collection. If approved in advance by the City, disposable waste may be placed at a location other than on a curb if the location is accessible to authorized officers, employees, agents, or representatives of the City.

- 4) Items defined in Section 13.15.030 j.8. of this Ordinance may be brought to an area designated by the City. These items include mattresses, rugs, furniture, rubber tires, television sets and major appliances.
- 5) The City may charge a fee for any item of disposable waste it or its agent collects.

13.15.120 Authority to Refuse Acceptance. City employees, agents or representatives may refuse to accept any disposable waste which is not separated, prepared or delivered in accordance with this Ordinance.

13.15.130 Placement by Unauthorized Persons. Except as otherwise specifically required by this Ordinance, it shall be a violation of this Ordinance for any person, except an authorized officer, employee, agent, or representative of the City, to place solid waste or cause solid waste to be placed on another person's property.

13.15.140 Unauthorized Burning, Burying and Littering. Except as otherwise provided in this Ordinance, no person shall burn, bury or deposit solid waste on any property, public or private, within the City except:

- 1) The City at the Burn Site or the Compost Site; or
- 2) Any person, with respect to disposable waste generated on the premises occupied by that person, in an interior, chimney connected fireplace on that premises designed to be operated with the fire chamber either open or closed and installed and operated in accordance with state law and regulation; or
- 3) Any person, with respect to disposable waste generated on the premises occupied by that person, in an interior, chimney connected room heater on the premises designed to be operated with the fire chamber closed and installed and operated in accordance with state law and regulation; or
- 4) Open fires pursuant to a permit issued by the City.

13.15.150 Private Compost Permitted. Any person may compost yard waste on land, subject to the landowner's consent.

13.15.160 Severability. If any provision of this Ordinance is held to be contrary to law or otherwise unenforceable, such invalidity or unenforceability shall not affect or invalidate the other provisions of this Ordinance, but such provision shall be construed to the limited extent necessary to make it enforceable and valid, and in the event such provision cannot be so construed to effect its purpose, this Ordinance shall be read to omit such provision.

13.15.170 Administration. The provisions of this Ordinance shall be administered by the City Clerk under the supervision and authority of the City Common Council's Landfill and Garbage Collection Committee.

13.15.180 Enforcement.

- 1) For the purpose of ascertaining compliance with the provisions of this Ordinance, any authorized officer, employee, agent or representative of the City may inspect materials which have been separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee, agent or representative of the City who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- 2) Authorized officers, employees, agents and representatives of the City may issue a citation to and collect forfeitures from any person who violates a provision of this Ordinance. The

13.16.010 -- 13.16.040

issuance of a citation shall not preclude the City from proceeding under any other Ordinance or law relating to the same or any other offense. Proceeding under any other Ordinance or law relating to the same or any other offense shall not preclude the City from issuing a citation under this paragraph.

- 3) Any person who violates this Ordinance may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Adopted December 22, 1994.

Chapter 13.16

BOARD OF COMMISSIONERS FOR MUNICIPAL ELECTRIC UTILITY

Sections:

13.16.010	Members
13.16.020	Term of Office
13.16.030	Authorized Acts
13.16.040	Compensation

13.16.010 Members. A Board of Commissioners for the Municipal Electric Utility is hereby created to be composed of five (5) Commissioners approved by the Common Council of the City of Whitehall, Trempealeau County, Wisconsin, to be known as the "Electric Utility Commission of Whitehall". The Common Council shall be represented on the Utility Commission, but Council members shall not comprise a majority of membership on the Utility Commission.

13.16.020 Term of Office. Commissioners shall be nominated by the Mayor and shall be approved by the Common Council for a term, beginning on the first day of October, for five (5) years. Each Commissioner shall hold his office until his successor is appointed and qualified.

13.16.030 Authorized Acts. The Commissioners shall choose from among their numbers a President and a Secretary. They may command the services of the City Engineer and employ and fix the compensation of such subordinates as shall be necessary. They make rules for their own proceedings and of the government of their department; they shall keep books of account, in the manner and for provided by the Public Service Commission of Wisconsin, which shall be open to the public. That departmental expenditures shall be audited by such commission and, if approved, be paid by the City Treasurer upon warrant signed by the President and Secretary of the commission; that the utility receipts be paid to a bonded cashier or cashiers appointed by the Commission, to then turned over to the City at least once a month. That the Commission shall have power to take entire charge and management of such utility, to appoint a manager and fix his compensation, and to supervise the operation of the utility under the general control, and supervision of the Common Council of the City of Whitehall, Trempealeau County, Wisconsin. (1960 Code, .sec. 7.06(4)).

13.16.040 Compensation. Such commissioners shall receive as compensation for such services such amounts as shall from time to time be set by the Common Council of the City of Whitehall, Trempealeau County, Wisconsin. (1960 Code, Sec. 7.06(5)).

Chapter 13.20

SANITARY LANDFILL

Section:

13.20.010 Adoption of the Wisconsin Administrative Code.

It is hereby demanded and declared to be necessary and conducive for the protection of the health, safety and welfare of the public to adopt the regulations of the Department of Natural Resources pertaining to sanitary landfill sites and these then are applicable to any sanitary landfill operation now or hereafter operated by the City of Whitehall. These regulations are set forth in Wis. Adm. Code Chapter NR 180. (New Section).

TITLE 13.22 WELL HEAD PROTECTION

DIVISION 1. GENERAL

Chapter 13.22.010 Purpose; authority; applicability.

- (a) The residents of the City of Whitehall depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this article is to institute land use regulations and restrictions to protect the City of Whitehall municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the City of Whitehall.
- (b) These regulations are established pursuant to the authority granted to City of Whitehall by the Wisconsin Legislature in Wis. Stats. §§ 60.61(1), (2)(g), and 60.62, to adopt ordinances to protect groundwater.
- (c) The regulations specified in this article shall apply within the City of Whitehall boundary limits.

Chapter 13.22.020. 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:

- (a) *Existing facilities* means current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City of Whitehall's wellhead protection area that lies within the corporate limits of the City of Whitehall. Existing facilities include, but are not limited to, the type listed in the department of natural resources' form 3300-215, Public Water Supply Potential Contaminant Use Inventory Form which is incorporated herein as if fully set forth.
- (b) *Groundwater divide* means a ridge in the water table or the potentiometric surface from which groundwater flows away at right angles in both directions. A groundwater divide is represented by the line of highest hydraulic head in the water table or potentiometric surface.
- (c) *Groundwater protection overlay district* means that area described within the City of Whitehall's wellhead protection plan. A copy of the City of Whitehall's wellhead protection plan can be obtained from the City of Whitehall clerk-treasurer.
- (d) *Recharge area* means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well.
- (e) *Time of travel* means the determined or estimated time required for a contaminant to move in the saturated zone from a specific point to a well.
- (f) *Well field* means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

Chapter 13.22.030 Enforcement.

- (a) In the event that an individual and/or facility causes the release of any contaminants which endanger the district, the individual and/or facility causing said release shall immediately stop the release and clean up the release to the satisfaction of the City of Whitehall.

(b) The individual/facility shall be responsible for all costs of cleanup, including all of the following:

1. City of Whitehall consultant fees at the invoice amount plus administrative costs for oversight, review and documentation. The cost of City of Whitehall employees' time associated in any way with cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City of Whitehall representing the City of Whitehall's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
2. The cost of City of Whitehall equipment employed. The cost of mileage reimbursed to City of Whitehall employees attributed to the cleanup.

(c) Following any such discharge the City of Whitehall may require additional test monitoring and/or bonds/securities.

(d) Enforcement shall be provided pursuant to section 1.08 General Penalties.

DIVISION 2. GROUNDWATER PROTECTION OVERLAY DISTRICT

Chapter 13.22.040 Intent.

The area to be protected as a district is that portion of the City of Whitehall well fields' recharge areas extending to the groundwater divide contained within the City of Whitehall boundary limits and shown on the map attached to the ordinance from which this section is derived. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding high threat of contamination.

Chapter 13.22.050 Permitted uses.

Subject to the exemptions listed in section 13.22.070, the following are the only permitted uses within the district. Uses not listed are to be considered nonpermitted uses.

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
2. Playgrounds
3. Wildlife areas
4. Nonmotorized trails, such as biking, skiing, nature and fitness trails.
5. Municipally sewered residential development, free of flammable and combustible liquid underground storage tanks.
6. Municipally sewered business development zoned B-Business, except for the following uses:
 - a. Aboveground storage tanks
 - b. Asbestos product sales
 - c. Automotive service and repair garages, body shops
 - d. Blueprinting and photocopying services
 - e. Car washes
 - f. Equipment repair services
 - g. Laundromats and diaper services
 - h. Dry cleaning
 - i. Gas stations
 - j. Holding ponds or lagoons
 - k. Infiltration ponds
 - l. Nurseries, lawn and garden supply stores
 - m. Small engine repair services
 - n. Underground storage tanks

- o. Wells, private, production, injection or other
 - p. Any other use determined by the City of Whitehall Council to be similar in nature to the above-listed item
- 7. Agricultural uses in accordance with the county soil conservation department's best management practices guidelines.

Chapter 13.22.050 Separation distances.

The following separation distances as specified in Wis. Admin. Code § NR 811.16(4)(d), shall be maintained and shall not be exempted as listed in section 13-379. A separation distance of 500 feet as documented in the current wellhead protection plan shall be maintained around wells 1, 2, and 3. The following distances shall apply for wells 1, 2, and 3:

- (1) 50 feet between a well and a storm sewer main.
- (2) 200 feet between a well and any sanitary sewer main, lift station or a single-family residential fuel oil tank. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- (3) 400 feet between a well and a septic system, tank, or drain field, and receiving less than 8,000 gallons per day, a cemetery or a stormwater drainage pond.
- (4) 600 feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the state department of commerce (hereafter commerce) or its designated agent under Wis. Admin. Code § Comm 10.10.
- (5) 1,000 feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal wastewater, lagoons or storage structures; manure stacks or storage structures; and septic tanks or soils absorption units receiving 8,000 gallons per day or more.
- (6) 1,200 feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, one time disposal or small demolition facility; sanitary landfill; coal storage area; gasoline or fuel oil storage tanks that have not received written approval from commerce or its designated agent under Wis. Admin. Code § Comm 10.10; bulk fuel storage facilities and pesticide handling or storage facilities.

Chapter 13.22.060 Requirements for existing facilities.

- (a) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental monitoring results to the City of Whitehall.
- (b) Existing facilities shall provide additional environmental or safety structures/monitoring as deemed necessary by the City of Whitehall, which may include but is not limited to stormwater runoff management and monitoring.
- (c) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.
- (d) Existing facilities shall have the responsibility of devising and filing with the City of Whitehall a contingency plan satisfactory to the City of Whitehall for the immediate notification of City of Whitehall officials in the event of an emergency.

Chapter 13.22.070 Exemptions and waivers.

- (a) Individuals and/or facilities may request the City of Whitehall in writing, to permit additional land uses in the district.

- (b) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City of Whitehall and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the City of Whitehall and/or designee for recommendation and final decision by the City of Whitehall board.
- (c) The individual/facility shall reimburse the City of Whitehall for all consultant fees associated with this review at the invoiced amount plus administrative costs.
- (d) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the City of Whitehall.

(2012-7-10)

Chapter 13.24

PRIVATE WELL ABANDONMENT

Sections:	13.24.010	Purpose
	13.24.020	Coverage
	13.24.030	Well Operation Permits
	13.24.040	Methods
	13.24.050	Reports and Inspection

13.24.010 Purpose. To prevent unused and/or improperly constructed wells from serving as a passage for contaminated surface or near-surface waters or other materials to reach the usable ground water. These wells must be properly filled and sealed. (October 27, 1977).

13.24.020 Coverage. All private wells located on any premises which is served by the public water system of the City shall be properly filled by one year from the date of publication of this ordinance. Only those wells for which a well operation permit has been granted by the City Clerk may be exempted from this requirement; subject to conditions of maintenance and operation. (October 27, 1977).

13.24.030 Well Operation Permits. A permit may be granted to a well owner to operate a well for a period not to exceed five years if the following requirements are met: (Application shall be made on forms provided by the City Clerk.) (October 27, 1977).

- a) The well and pump installation meet the requirements of Chapter NR 812, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or Certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
- b) The well produces bacteriologically safe water as evidenced by one sample.
- c) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.
- d) No physical connection shall exist between the piping of the public water system and the private well.

Abandonment - Methods is hereby amended to read as follows:

13.24.040 Methods. Wells to be abandoned shall be filled according to the procedures outlined in Chapter NR 812, Wisconsin Administrative Code. The pump and piping must be removed

and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed. (October 27, 1977).(10-8-2002)

CROSS CONNECTION CONTROL

Sections:

13.26.005	Purpose
13.26.010	Definition
13.26.020	Prohibitions
13.26.030	Inspections
13.26.040	Entry Onto Property
13.26.050	Disconnection
13.26.060	Emergencies
13.26.070	Code Adoption

13.26.005 Purpose. The purpose of this Ordinance is to provide a program for protecting the public water system from contamination due to backflow of contaminants through the water service connection into the public water system. Chapters NR 811 and Comm 82, Wisconsin Administrative Code, require protection of the public water system from contaminants due to backflow of contaminants through the water service connection. The Wisconsin Department of Natural Resources and Department of Commerce require the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination of all potable water systems.

13.26.010 Definition. A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the City of Whitehall Water Utility, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

13.26.020 Prohibitions. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary or emergency water supply other than the regular public water supply of the City of Whitehall may enter the supply or distribution system of said City, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the City of Whitehall Water Utility and by the Wisconsin Department of Natural Resources in accordance with Section NR 811.09(2), Wisconsin Administrative Code.

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

13.26.040 Entry Onto Property. Upon the presentation of credentials, a representative of the City of Whitehall Water Utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the City of Whitehall, for cross connections. If entry is refused, such representative shall obtain a special inspection warrant under s. 66.0119, Wisconsin Statutes. On request, the owner, lessee or occupant of any property so served by the public water system shall furnish to the City of Whitehall Water Utility any pertinent information regarding the piping system or systems on such property.

13.26.50 Disconnection. The City of Whitehall Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this Ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided in Section 13.26.060 of this Ordinance. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this Ordinance.

13.26.060 Emergencies. If it is determined by the City of Whitehall Water Utility that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, a written finding to that effect shall be filed with the Clerk of the City of Whitehall and delivered to the customer's premises, and service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within 10 days of such emergency discontinuance.

13.26.070 Code Adopted. The City of Whitehall hereby adopts by reference the State Plumbing Code of Wisconsin being Chapter Comm 82, Wisconsin Administrative Code. This Ordinance does not supersede the State Plumbing Code, but is supplementary to such code.