



## Office of the City Attorney

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January 10, 2024

### Memorandum

To: Board of Public Works  
From: Brian Running  
Re: Amendments to Chapter 29

Following are redline changes being proposed to several sections in Chapter 29 of the Municipal Code, and a proposed ordinance.

#### §29.06(k):



- (k) **Alternative Disposal Prohibited.** No Person shall construct, install or maintain any privy, outhouse, ~~or~~ privy vault, ~~or install any~~ Septic Tank, Holding Tank, cesspool or other means or structure intended to be used for the storage or disposal of Domestic Wastewater if ~~a public Sewer is available~~ Connection to the System may be made by usual means and without extraordinary measures or expense, as determined in the sole discretion of the Control Authority. ~~At the time of construction,~~ All new buildings with Building Sewers shall connect at the time of construction to the ~~public sewerage~~ System ~~where public Sewer service is available. Within the Sewer Service Area or in any area under jurisdiction of the City, n~~ No Person shall Discharge Domestic Wastewater to any Natural Outlet.

#### §29.08(a):



- Swap positions of subs (2) and (3), to correspond to the order in §29.13.

#### §29.08(f)(3)(C):



- (C) Procedures for immediately notifying the Control Authority of any Accidental or Slug Discharge, ~~as required by WMC §29.10(d)(2);~~ and

#### §29.08(f)(5):



- (5) All Dischargers shall notify the Control Authority immediately of the occurrence of an Accidental or Slug Discharge ~~in accordance with WMC §29.10(d)(2),~~ or of any changes at the Facility affecting the potential for a Slug Discharge and the need for a Slug control plan. The Discharger of any Accidental or Slug Discharge shall be liable to the City for

any expense, loss, damage, or additional sampling, analytical, or treatment charges in addition to the amount of any fines imposed by the City under local, State, or federal law.

§29.08(f)(7):



- (7) For Dischargers that have been required to implement an Accidental Discharge or Slug control plan, Signs-signs shall be permanently posted in conspicuous places on ~~each the~~ Discharger's premises, advising-directing employees to call the Control Authority if an Accidental or Slug Discharge occurs. Employers shall instruct ~~all~~ employees ~~who may cause or discover such a Discharge with respect to~~ on emergency notification procedures.

§29.10(b)(5):



- (5) **Pretreatment Compliance Schedule.** Where additional Pretreatment or operation and maintenance activities are required to comply with this Chapter, the Permitted Industrial User shall provide a declaration of the shortest schedule by which the User shall provide such additional Pretreatment or implementation of additional operational and maintenance activities. The schedule shall be such that compliance with applicable Federal Categorical Pretreatment Standards is achieved within three years of the promulgation of such standards. For proposed new ~~Dischargers~~ Discharges and modifications to existing Discharges, the compliance date shall be the date on which the new or modified Discharge is initiated. For Existing Sources, compliance with new local limits shall be as soon as possible, but not to exceed 18 months from the effective date. The completion date shall not be later than the compliance date established for a particular Federal Categorical Pretreatment Standard.

§29.11(c):



- (c) **Sewer Connection Charge.** All Users making a new Connection or upsizing ~~the a~~ water supply meter~~(s)~~ or Meter Equivalent~~(s)~~ shall pay a Connection Charge to the City. The Connection Charge shall be for recovery of the proportionate share of the Capital Costs for excess capacity in the Collection System reserved for new development. The Charge shall be ~~established~~ based upon the size of the water supply meter~~(s)~~ or Meter Equivalent~~(s)~~ ~~for the connected property~~. Where ~~the a~~ water supply meter~~(s)~~ or Meter Equivalent~~(s)~~ ~~are is~~ upsized, the difference ~~in-between~~ the ~~current~~ Connection Charges ~~between-for~~ the previous and new meter~~(s)~~ or Meter Equivalent~~(s)~~ shall be paid. The Connection Charge shall be proposed by the Board of Public Works ~~to the Common Council, and set for approval~~ by the Common Council, and after approval. ~~A a~~ Connection Charge Schedule shall be published by the Department of Public Works. The Connection Charge shall be reviewed at least annually, and amended as necessary to reflect costs. The Connection Charge shall be billed by the Water Utility. The Sewer Connection Charge shall not be charged for any residential property where replacement of a single Meter with multiple Meters is performed or applied-for prior to January 1, 2026.



§29.11(f):

- (f) **Sewer Users Served by Private Wells or Non-City Water Supply.** If any User Discharging Wastewater into the System procures any part or all of its water from sources other than the Water Utility, all or part of which is Discharged into the System, the User may be required by the Control Authority to install one or more ~~water meters~~ ~~(Source Meters)~~ for the purpose of determining to determine the volume of water obtained from these other sources. Source Meters shall be installed, owned, and maintained by the User, at the User's sole expense, and shall be new or newly-reconditioned at the time of installation. Source Meters shall be compatible with automated meter reading systems and fitted by the Water Utility with radio-read transmitters, at the User's expense. All Source Meters shall be inspected and certified by the Water Utility or the Control Authority prior to acceptance of the readings. ~~The Users~~ shall submit ~~Source Meter~~ readings monthly from any pre-existing Source Meters without radio-read transmitters. Source Meters shall be replaced after 20 years of service.

§29.11(h)(2):

- (2) **Credit Meters.** Commercial, Industrial, and Public Users ~~only~~ may install, at their expense, a credit meter or meters to measure usage of water ~~only~~ for only the following uses:
- (A) Replenishing evaporative losses from cooling towers, boilers, swimming pools, commercial car washes, and other, similar Commercial and Industrial uses.
  - (B) Water incorporated into products.
  - (C) Irrigation of greenhouse, nursery or garden center stock.
  - (D) Irrigation of athletic fields.
  - (E) Refilling of Commercial and Public swimming pools and aquatic parks, but only if those Facilities are drained into Storm Sewers and not Sanitary Sewers.

Installation, certification, maintenance and Credit meters shall be new or newly-reconditioned at the time of installation. Credit meters shall be compatible with automated meter reading systems, and fitted by the Water Utility with radio-read transmitters, at the User's expense. All credit meters shall be inspected and certified by the Water Utility prior to acceptance of the readings. Credit meters shall be replaced after 20 years of service. Users shall submit readings monthly from any pre-existing credit meters without radio-read transmitters. The use of credit meters, as well as the application of credits resulting from credit meter readings, shall be according to the Sewer Credit Meter Guidelines published and amended from time to time by the Department of Public Works.

§29.11(h)(3):



- ~~(3) **Phase-Out of Residential Credit Meters.** All credit meter accounts for Residential Users shall terminate as of January 1, 2017, except that credit meter accounts for Residential Users established between January 1, 2010 and December 31, 2016 shall expire 7 years from the date they are established.~~

§29.11(h)(4):



- ~~(4) **One-Time Unmetered Credit.** All Users without an active credit meter account, including Residential Users, may request an adjustment of sewer service charges for special circumstances the sprinkling of new landscape as defined in WMC §13.11(3), demonstrated to the satisfaction of the Board of Public Works, such as the filling of a swimming pool or the sprinkling of new landscape as defined in WMC §13.11(3)(c)(2).~~ All adjustment requests and appeals shall be submitted in the form of a letter submitted to the Department of Public Works for review, and shall be approved or denied by the Board of Public Works, in the Board's sole discretion. Users may receive only one unmetered credit per service address.

§29.13(c):



- ~~(c) **Penalties.** Users violating committing the following violations of this Chapter shall be subject to the penalties specified below, in addition to plus the maximum municipal court fees assessed under Wis. Stats. §814.65, and all other fees and costs taxable under Wisconsin Statutes Chapter 814.~~

- ~~(1) **Accidental Prohibited Discharge.** For reported Accidental Discharge Discharges in violation of this Chapter, a forfeiture of not less than \$50 and not more than \$250. For unreported Accidental Discharge Discharges in violation of this Chapter, a forfeiture of not less than \$250 and not more than \$1,000.~~
- ~~(2) **Connection to the System without Permit.** For Connections to the System without first obtaining a permit to do so, a~~ forfeiture of not less than \$100 and not more than \$500.
- ~~(3) **Significant Noncompliance.** For Significant Noncompliance, a forfeiture of \$1,000, in the discretion of the Control Authority. If the Significant Noncompliance was the result of Discharge by a Waste Disposer, a forfeiture of \$1,000-00 by both the Waste Disposer and the Waste Generator.~~
- ~~(4) **Discharge Causing Interference, Pass-Through, or WPDES Permit Violation.** For Discharge that causes the Plant to be in violation of its WPDES Permit, a~~ forfeiture of \$1,000.
- ~~(5) **Failure to Allow Inspections or Monitoring.** For failure by an Industrial User to allow inspections or monitoring required by this Chapter, a forfeiture of \$1,000-00.~~



~~(4)~~(6) **Noncompliance with Rule, Regulation, or Order.** For failure by an Industrial User to comply with any rule, regulation, ~~or~~ order, or standard issued by the Control Authority pursuant to this Chapter or any state or federal statute or regulation, a forfeiture of ~~\$1,000.00~~.

~~(5)~~(7) **Required Reports Late or Not Submitted.** For failure to submit any report required by this Chapter within 45 days of its due date, the following forfeitures:

| Number of days late | Penalty                                  |
|---------------------|--|
| 46 – 60 days .....  | <del>\$500.00</del>                      |
| > 60 days .....     | <del>\$500.00</del>                      |
|                     | + <del>\$100.00</del> per each add'l day |

~~(6)~~(8) **Other Violations.** For all violations other than those specified in this subsection (c), the penalty specified in WMC §25.05(1).

~~(7)~~(9) **Each Day of Violation Constitutes a Separate Offense.** For purposes of assessing forfeitures, each day on which a violation exists or continues constitutes a separate offense.

**City of Waukesha, Wisconsin**  
**Ordinance No. 2024 - @@**

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**An Ordinance Amending and Repealing Portions of Chapter 29  
of the Waukesha Municipal Code, Regarding Wastewater  
Treatment Regulations and Penalties for Violation**

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The Common Council of the City of Waukesha do ordain as follows:

**Section 1.** Municipal Code §29.06(k) is amended to read in its entirety as follows:

- (k) Alternative Disposal Prohibited.** No Person shall construct, install or maintain any privy, outhouse, privy vault, Septic Tank, Holding Tank, cesspool or other means or structure intended to be used for the storage or disposal of Domestic Wastewater if Connection to the System may be made by usual means and without extraordinary measures or expense, as determined in the sole discretion of the Control Authority. All new buildings with Building Sewers shall connect at the time of construction to the System. No Person shall Discharge Domestic Wastewater to any Natural Outlet.

**Section 2.** Municipal Code §29.08(a) is amended to renumber existing subsection (2) to (3), and to renumber existing subsection (3) to (2), so that their positions are reversed.

**Section 3.** Municipal Code §29.08(f)(3)(C) is amended to read in its entirety as follows:

- (C)** Procedures for immediately notifying the Control Authority of any Accidental or Slug Discharge; and

**Section 4.** Municipal Code §29.08(f)(5) is amended to read in its entirety as follows:

- (5)** All Dischargers shall notify the Control Authority immediately of the occurrence of an Accidental or Slug Discharge, or of any changes at the Facility affecting the potential for a Slug Discharge and the need for a Slug control plan. The Discharger of any Accidental or Slug Discharge shall be liable to the City for any expense, loss, damage, or additional sampling, analytical, or treatment charges in addition to the amount of any fines imposed by the City under local, State, or federal law.

**Section 5.** Municipal Code §29.08(f)(7) is amended to read in its entirety as follows:

- (7)** For Dischargers that have been required to implement an Accidental Discharge or Slug control plan, signs shall be permanently posted in conspicuous places on the

Discharger's premises, directing employees to call the Control Authority if an Accidental or Slug Discharge occurs. Employers shall instruct employees on emergency notification procedures.

**Section 6.** Municipal Code §29.10(b)(5) is amended to read in its entirety as follows:

- (5) Pretreatment Compliance Schedule.** Where additional Pretreatment or operation and maintenance activities are required to comply with this Chapter, the Permitted Industrial User shall provide a declaration of the shortest schedule by which the User shall provide such additional Pretreatment or implementation of additional operational and maintenance activities. The schedule shall be such that compliance with applicable Federal Categorical Pretreatment Standards is achieved within three years of the promulgation of such standards. For proposed new Discharges and modifications to existing Discharges, the compliance date shall be the date on which the new or modified Discharge is initiated. For Existing Sources, compliance with new local limits shall be as soon as possible, but not to exceed 18 months from the effective date. The completion date shall not be later than the compliance date established for a particular Federal Categorical Pretreatment Standard.

**Section 7.** Municipal Code §29.11(c) is amended to read in its entirety as follows:

- (c) Sewer Connection Charge.** All Users making a new Connection or upsizing a water supply meter or Meter Equivalent shall pay a Connection Charge to the City. The Connection Charge shall be for recovery of the proportionate share of the Capital Costs for excess capacity in the Collection System reserved for new development. The Charge shall be based upon the size of the water supply meter or Meter Equivalent. Where a water supply meter or Meter Equivalent is upsized, the difference between the Connection Charges for the previous and new meter or Meter Equivalent shall be paid. The Connection Charge shall be proposed by the Board of Public Works for approval by the Common Council, and after approval a Connection Charge Schedule shall be published by the Department of Public Works. The Connection Charge shall be reviewed at least annually, and amended as necessary to reflect costs. The Connection Charge shall be billed by the Water Utility. The Sewer Connection Charge shall not be charged for any residential property where replacement of a single Meter with multiple Meters is performed or applied-for prior to January 1, 2026.

**Section 8.** Municipal Code §29.11(f) is amended to read in its entirety as follows:

- (f) Sewer Users Served by Private Wells or Non-City Water Supply.** If any User Discharging Wastewater into the System procures any part or all of its water from sources other than the Water Utility, all or part of which is Discharged into the System, the User may be required by the Control Authority to install one or more Source Meters to determine the volume of water obtained from these other

sources. Source Meters shall be installed, owned, and maintained by the User, at the User's sole expense, and shall be new or newly-reconditioned at the time of installation. Source Meters shall be compatible with automated meter reading systems and fitted by the Water Utility with radio-read transmitters, at the User's expense. All Source Meters shall be inspected and certified by the Water Utility or the Control Authority prior to acceptance of the readings. Users shall submit readings monthly from any pre-existing Source Meters without radio-read transmitters. Source Meters shall be replaced after 20 years of service.

**Section 9.** Municipal Code §29.11(h)(2): is amended to read in its entirety as follows:

- (2) **Credit Meters.** Commercial, Industrial, and Public Users may install, at their expense, a credit meter or meters to measure usage of water for only the following uses:
- (A) Replenishing evaporative losses from cooling towers, boilers, swimming pools, commercial car washes, and other, similar Commercial and Industrial uses.
  - (B) Water incorporated into products.
  - (C) Irrigation of greenhouse, nursery or garden center stock.
  - (D) Irrigation of athletic fields.
  - (E) Refilling of Commercial and Public swimming pools and aquatic parks, but only if those Facilities are drained into Storm Sewers and not Sanitary Sewers.

Credit meters shall be new or newly-reconditioned at the time of installation. Credit meters shall be compatible with automated meter reading systems, and fitted by the Water Utility with radio-read transmitters, at the User's expense. All credit meters shall be inspected and certified by the Water Utility prior to acceptance of the readings. Credit meters shall be replaced after 20 years of service. Users shall submit readings monthly from any pre-existing credit meters without radio-read transmitters. The use of credit meters, as well as the application of credits resulting from credit meter readings, shall be according to the Sewer Credit Meter Guidelines published and amended from time to time by the Department of Public Works.

**Section 10.** Municipal Code §29.11(h)(3) is repealed in its entirety.

**Section 11.** Municipal Code §29.11(h)(4) is amended to read in its entirety as follows:

- (4) **One-Time Unmetered Credit.** All Users without an active credit meter account, including Residential Users, may request an adjustment of sewer service charges for the sprinkling of new landscape as defined in WMC §13.11(3), demonstrated to the satisfaction of the Board of Public Works. All adjustment requests and



appeals shall be submitted in the form of a letter submitted to the Department of Public Works for review, and shall be approved or denied by the Board of Public Works, in the Board’s sole discretion. Users may receive only one unmetered credit per service address.

**Section 12.** Municipal Code §29.13(c) is amended to read in its entirety as follows:

- (c) Penalties.** Users committing the following violations of this Chapter shall be subject to the penalties specified below, plus the maximum municipal court fees assessed under Wis. Stats. §814.65, and all other fees and costs taxable under Wisconsin Statutes Chapter 814.

  - (1) Prohibited Discharge.** For reported Discharges in violation of this Chapter, a forfeiture of not less than \$50 and not more than \$250. For unreported Discharges in violation of this Chapter, a forfeiture of not less than \$250 and not more than \$1,000.
  - (2) Connection to the System without Permit.** A forfeiture of not less than \$100 and not more than \$500.
  - (3) Significant Noncompliance.** For Significant Noncompliance, a forfeiture of \$1,000, in the discretion of the Control Authority. If the Significant Noncompliance was the result of Discharge by a Waste Disposer, a forfeiture of \$1,000 by both the Waste Disposer and the Waste Generator.
  - (4) Discharge Causing Interference, Pass-Through, or WPDES Permit Violation.** A forfeiture of \$1,000.
  - (5) Failure to Allow Inspections or Monitoring.** For failure by an Industrial User to allow inspections or monitoring required by this Chapter, a forfeiture of \$1,000.
  - (6) Noncompliance with Rule, Regulation, or Order.** For failure by an Industrial User to comply with any rule, regulation, order, or standard issued by the Control Authority pursuant to this Chapter or any state or federal statute or regulation, a forfeiture of \$1,000.
  - (7) Required Reports Late or Not Submitted.** For failure to submit any report required by this Chapter within 45 days of its due date, the following forfeitures:

| Number of days late        | Penalty |
|----------------------------|---------|
| 46 – 60 days .....         | \$500   |
| > 60 days .....            | \$500   |
| + \$100 per each add’l day |         |

- (8) **Other Violations.** For all violations other than those specified in this subsection (c), the penalty specified in WMC §25.05(1).
- (9) **Each Day of Violation Constitutes a Separate Offense.** For purposes of assessing forfeitures, each day on which a violation exists or continues constitutes a separate offense.

**Section 13.** This Ordinance shall be effective the day after its publication.

Passed the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Shawn N. Reilly, Mayor

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Attest: Gina L. Kozlik, City Clerk