

CHAPTER 29
Sanitary Sewer Use and Wastewater Treatment
(Cr. #40-87)(Am. #19-89)(Am. #17-92)
(Repealed and replaced #1-18)

29.06 Use of Public Sewers
(section title amended #1-18)

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- (a) **City Acceptance of Waste.** If any waters or Wastes are proposed to be Discharged to the public Sewers and are in violation of the regulations in, or outside the parameters of, WMC §29.08 the Control Authority may, in the exercise of reasonable discretion:
- (1) Reject the Wastes;
 - (2) Require Pretreatment to comply with Pretreatment Standards;
 - (3) Control the quantities and rates of Discharge;
 - (4) Recover the increased costs of handling and treating such Wastes from the Person discharging the Wastes or
 - (5) Any combination of the preceding.
- (b) **Intermunicipal Connections.** Prior to the Connection of a Sewer Interceptor from another Municipality to the City's System, a written agreement shall be prepared by the Control Authority and approved by the Common Council. The agreement shall include procedures for notification of Connections, the means of metering and sampling the Interceptor, inspection for Unauthorized Connections, Monitoring and control of Infiltration and Inflow, prevention and abatement of negative impacts on the City's System, maintenance, System extensions, and billing. Rates, fees, and assessments shall be published and amended from time to time by the Board of Public Works, and shall reflect the Outside User Charges set forth in WMC §29.12(d), unless otherwise agreed by contract between the User and the City. All extraterritorial Users shall be subject to the requirements, including Permit requirements for Industrial Users and other Users or User Classes as determined by the Control Authority.
- (c) **Required Connections.** The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer, may be ordered by the Control Authority or Plumbing Inspector at the owner's expense to install and connect suitable toilet fixtures therein and to connect such fixtures directly with the proper public Sewer in accordance with the provisions, within 90 days after the date of the order. Such order shall be in writing and delivered personally

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- or by First-Class US Mail, postage prepaid, to the owner or the owner's designated agent. If the owner fails to honor the order, the City shall make the Connection and charge the cost thereof against the owner, including the cost of permanent restoration of the right-of-way. The City's expense in doing so shall be a special charge against the property on which the connected building is situated.
- (d) **Permit Required.** No User shall make a Connection to the public Sewer without first obtaining a plumbing permit as required by the Waukesha Municipal Code. Any User who makes a Connection to the public Sewer without first obtaining a Permit may be assessed penalties as set forth in WMC §29.13(c) and (d). The User may also be liable for User Charges and interest thereon, for up to six years prior to the date the Control Authority became aware of the illegal Connection, as well as any costs or damages incurred by the City as a result of the illicit Connection. The amount of Sewer usage for purposes of assessing User Charges shall be determined as set forth in WMC §29.11(e) and (f).
- (e) **User Use Only.** No User shall allow other Persons to connect to or Permit other uses to be made of the sewerage System through the User's Building Sewer without approval from the Control Authority.
- (f) **No Connection of Unpolluted Water Source.** No Person shall make Connection of a source of Unpolluted Water to a Building Sewer or Building Drain which is connected directly or indirectly to a Public Sanitary Sewer.
- (g) **Prohibited Connections.**
- (1) The Connection of an Unpolluted Water source to the Sanitary Sewer System is prohibited, excepting legal Connections of footing and foundation drains installed prior to 1954.
 - (2) When existing buildings are altered by additions that include new footing/foundation drains, existing drains shall also be properly connected to a code compliant Unpolluted Water Discharge system.
 - (3) Infiltration and Inflow and the illegal Discharge of Unpolluted Water into the Sanitary Sewer System shall be eliminated. The Control Authority shall make such inspections as are necessary to determine where illegal Unpolluted Water Connections or Infiltration and Inflow exists. Upon determining that an illegal Unpolluted Water Connection or Infiltration/Inflow exists, the Control Authority shall issue appropriate

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orders to abate, correct or eliminate such Connection or Infiltration and Inflow within a reasonable time, not to exceed 90 days. This order shall be sent to the User by certified mail at the address shown on the tax roll.

- (h) Foundation Drains.**
- (1)** In any area served by Sanitary Sewers, and excepting legal Connections of footing and foundation drains installed prior to 1954, foundation Drain sump pumps shall Discharge to surface Drainage, a Storm Sewer, the waters of the State, a Stormwater detention or retention basin, or any other location that is approved by the Control Authority and is not a Sanitary Sewer or tributary to a Sanitary Sewer.
- (2)** Foundation Drain sump pumps shall Discharge through a verifiable external pipe, excepting legal Connections of footing/foundation drains installed prior to 1954.
- (i) Privately-Owned Submerged Manholes.** If a privately-owned Sanitary Sewer manhole is submerged for significant periods by Stormwater Runoff, the manhole shall have a solid and non-vented water-tight cover and the portion subject to freeze and thaw cycles shall be sealed to effectively prevent Infiltration and Inflow. The manhole frame and cover shall be secured in a manner that prevents removal.
- (j) Draining Surface Water to Sanitary Sewers.** No public safety official, other agent of a governmental unit, or any other Person may open a Sanitary Sewer manhole cover in a flooded street or take any other action that Drains flooded areas into Sanitary Sewers.
- (k) Alternative Disposal Prohibited.** No Person shall install or maintain any privy or privy vault, or install any Septic Tank, Holding Tank, cesspool or other structure intended to be used for the storage or disposal of Domestic Wastewater if a public Sewer is available. At the time of construction, new buildings with Building Sewers shall connect 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, no Person shall Discharge Domestic Wastewater to any Natural Outlet.
- (l) Responsibility for Maintenance of Private Sewers and Building Sewers.**

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- (1) All Private Sewers and Building Sewers from the point of Connection, including the connecting device, to the public Sewer main, including those located in the public right-of-way or easements and all fixtures throughout the premises served, shall be maintained in compliance with this Chapter and other Chapters of the Waukesha Municipal Code by, and at the expense of, the owner of the property served. No claim shall be made against the City or its agents or employees by reasons of the breaking, clogging, stoppage or freezing of any Building Sewer, nor from any damage arising from repairing mains, making Connections or extensions or any other work that may be deemed necessary by the Control Authority absent of gross negligence of the City, its agents or employees. The Control Authority may cut off the service at any time for the purpose of repairs or any other necessary purpose, any Permit granted or regulation to the contrary notwithstanding. Whenever it shall become necessary to shut off the Sewer service within an area of the City, the Control Authority shall, if practicable, give notice to each affected User.
 - (2) Upon notification to the User(s) by the Control Authority of maintenance problems which require correction, the specified corrective actions shall be performed by the User(s) within a reasonable time frame as determined by the Control Authority. The City shall be authorized to perform corrective actions identified in the notification if the required corrections are not made by the User(s) within the specified time period. The costs and expenses of such corrective actions shall be entered on the tax roll as a special charge against the User(s), and collected with any other taxes levied thereon for the year in which the work is completed.
 - (3) Privately-owned Collection System components shall be considered jointly and equally owned by all Users connected to the affected private System for the purposes of corrective actions and emergency repairs conducted by the City.
- (m) **Emergency Repairs, Right of Entry, Inspection and Safety.**
- (1) **Emergency Repairs.** The City shall be authorized to perform emergency repairs to Private Sewers. The costs and expenses of such repairs shall be entered on the tax roll as a special charge against the User(s), and collected with any other taxes levied thereon for the year in which the work is completed.

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- (2) **Right of Entry.** (Am. #6-18) Employees or agents of the City bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation and testing, all in accordance with the provisions and §196.171, Wis. Stats. Should the owner or occupant of the premises refuse voluntary access to the premises, the City is authorized to seek a special inspection warrant under Wis. Stats. §66.0119.
- (3) **Inspection.** (Am. #6-18) The City or its agents may inspect the Building Sewer, Building Drain, or plumbing fixtures of any User as necessary to determine compliance with the requirements. The User shall allow the City or its agents reasonable access to enter upon the premises for the purposes of inspection, testing, sampling, or records examination.
- (4) **Safety.** (Am. #6-18) While performing the necessary work on private premises referred to in this Chapter, the duly-authorized City employees and agents shall observe all reasonable safety rules applicable to the premises established by the User.
- (n) **Damage or Tampering with the System.** No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the System. Any Persons violating this provision shall be subject to the penalties imposed in the Enforcement Response Guidance Plan as well as any applicable civil penalties or actions.
- (o) **Falsification of Information and Records.** No Person shall knowingly make any false statement, representation, record, report, plan or other document filed with the Control Authority. Any Person who violates this provision shall be subject to the penalties imposed in the Enforcement Response Guidance Plan as well as any applicable civil penalties or actions.
- (p) **Appeals.** Appeals of decisions of the Control Authority under this section may be made to the Administrative Review Appeals Board, pursuant to WMC §2.11. Appeals under this chapter are not subject to Chapter 68 of the Wisconsin Statutes.

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