

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(Repealed and replaced #1-18)

29.13 Enforcement
(section title amended #1-18)

(Repealed and replaced #1-18)

- (a) **General.** The Department shall administer and enforce the provisions. Citations for violations may be issued by the Director, designated agents of the Director, or the Police Department, in accordance with WMC §25.08.
- (b) **Procedure.** Violations shall be addressed by the Department using any or all of the following procedures, in the Department's discretion. All procedures and remedies stated in this Chapter are cumulative, not exclusive, and in addition to all other remedies available at law or in equity.
 - (1) **Notice of Violation (NOV).** When a User is in violation, the Department shall serve a Notice of Violation on the User, by First-Class U.S. Mail, postage prepaid, to the User's last-known address. The Notice of Violation shall describe in reasonable detail the circumstances of the violation, the actions required to correct the violation, and the date by which corrective actions must be completed in order to avoid the issuance of a citation.
 - (2) **Citation.** If a User fails to take appropriate, timely corrective action in response to a Notice of Violation, and the violation continues past the date stated in the Notice of Violation, a citation shall be issued to the User, using the form of citation described in WMC §25.08.
- (c) **Penalties.** Users violating this Chapter shall be subject to the penalties specified below, in addition to 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 Discharge.** For reported Accidental Discharge, a forfeiture of not less than \$50 and not more than \$250. For unreported Accidental Discharge, a forfeiture of not less than \$250 and not more than \$1000.
 - (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

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forfeiture of \$1,000.00 by both the Waste Disposer and the Waste Generator.

- (4) **Discharge Causing WPDES Permit Violation.** For Discharge that causes the Plant to be in violation of its WPDES Permit, a forfeiture of \$1000.
- (5) **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	\$500.00
> 60 days	\$500.00 + \$100.00 per each add'l day

- (6) **Other Violations.** For all violations other than those specified in this subsection (c), the penalty specified in WMC §25.05(1).
 - (7) **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.
- (d) **Other Remedies.** In addition to the penalties specified above, violations may also be addressed with the following remedies, which are cumulative and not exclusive.
- (1) **Injunction.** Violations that constitute a Public Nuisance shall be subject to the provisions of WMC §12.06. Violations that pose an imminent threat to the health, safety or welfare of the public are public nuisances and shall be subject to actions for ex parte, temporary, and permanent injunction under Wis. Stats. §823.02.
 - (2) **Referral to State or Federal Authorities.** Violations may be referred to the District Attorney or U.S. Attorney for civil or criminal prosecution under applicable state and federal laws.
 - (3) **Suspension of Service.** Violations that (a) present or threaten a substantial danger to the health or welfare of the public or the

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environment, (b) may interfere with the operations of the Clean Water Plant, (c) cause Pass-Through, or (d) violate any Pretreatment Standards or requirements imposed by this Chapter, may, in the Department's sole discretion, result in suspension of the User's Permit and an order of the Department to the User to cease all Wastewater Discharges immediately. If the User fails to comply voluntarily with the order, the Department may take appropriate action, including installation of a bulkhead to block Discharges from entering the System.

- (4) **Revocation of Permit.** Violations that are significant, dangerous to the public or to the System, repeated, unmitigated, intentional, flagrant, or otherwise show similar indicia of severity justifying revocation of the User's Permit, in the Department's discretion, may result in the revocation of the User's Permit and disconnection of the User's Facility from the System. Notice of revocation shall be in writing, delivered by First-Class U.S. Mail, postage prepaid, to the User's last-known address, and by posting at the User's Facility. Upon delivery of notice of revocation, the User shall cease all Discharges of non-Domestic Wastewater immediately.
- (e) **Costs Incurred by City as a Result of Violation.**
- (1) **Violations Causing Damage to the System.** Any Person who violates this Chapter, and whose violation causes an obstruction, damage to the System, or any other condition in the System which requires repair, replacement, cleaning, remediation or other responsive action by the City, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice the Person for the expenses, and the invoice shall be payable 30 days from the date of the invoice.
- (2) **Violations Causing a Violation of the City's WPDES Permit.** Any Person who violates this Chapter, and whose violation causes the City to be in violation of the terms of the City's WPDES Permit or any other applicable state or federal law, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice the Person for the expenses, and the invoice shall be payable 30 days from the date of the invoice.
- (3) **Violations Causing Additional Sampling and Analytical Expenses.** Any Person who violates this Chapter, and whose violation causes the City to incur additional sampling or analytical expenses, shall reimburse the City for all expenses incurred as a result thereof. The City shall invoice

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(f) Miscellaneous Enforcement Provisions.

- (1) Publication of Significantly-Noncompliant Users.** The Department shall publish a list of all Users in Significant Noncompliance for the previous 12 months in a newspaper of general circulation that provides meaningful public notice in the Service Area.
- (2) Surety Bonds and Insurance.** The Department may require a noncompliant User to post a surety bond to secure expenses that the Department might incur in the event of future violations. The amount of the bond shall be in the Department's discretion, but shall be reasonably related to foreseeable expenses. The surety must be listed in the Department of the Treasury's listing of certified companies. The Department may also require a User responsible for a Plant Upset to obtain liability insurance, naming the City as an additional insured, sufficient to cover the cost of restoring the Plant in the event a second Plant Upset occurs. The limits of coverage shall be in the Department's discretion, but shall be reasonably related to foreseeable expenses..